

**ADVISORY NEIGHBORHOOD COMMISSION 4D'S TESTIMONY
URGING ZONING COMMISSION TO REQUIRE
SPECIAL EXCEPTION FOR BIG BOX DEVELOPMENT**

Good evening and thank you for holding these hearings. My name is Renee Bowser, and I am Vice Chair of Advisory Neighborhood Commission 4D and Commissioner of Single Member District 4D02. I am testifying on behalf of ANC 4D which passed a resolution on October 15, urging the Zoning Commission amend the law to require big box development by special exception. Surrounding jurisdictions, including Montgomery, Fairfax, and Prince William counties, require developers of proposed large retail stores to apply for special exception.

Numerous existing zoning regulations and changes proposed by the Office of Planning require special exceptions. Requiring big box development to obtain a special exception would require formal notice to the community and the ANCs. Then ANCs can consider the impact on their communities through discussion with their constituents and reviewing studies and reports and draft position statements to be given great weight consideration. Requiring developers to participate in the special exception process would require them to provide evidence at hearing concerning projected positive and negative impacts on community in the form of noise, traffic congestion, parking, crime, as well as the economic impact on workers and small and medium sized businesses in DC. And if the Board of Zoning Adjustment finds negative impacts on the community, it can require the developer to remedy those impacts.

There was no such process as regards to the 2 big box developments underway in Ward 4 near where I live. Although the proposed Walmart big box developments are located in ANC 4B, I attended many meetings addressing the Georgia and Missouri Avenues, NW development, including several meetings with the Office of Planning and Department of Transportation. Residents surrounding the Walmart project brought concerns to ANC 4B, the Commissioners reached out to their neighborhoods, and an urban planner volunteered his services in analyzing various issues concerning the project. In the end, the issues raised by ANC 4B and its comprehensive recommendations were given no weight by the Office of Planning.

My concern about the economic impact of big box development on community businesses and workers led me to question Deputy Mayor for Economic Development Victor Hoskins about whether he had considered the impact of Walmart on the net number of jobs in the City and the ability of smaller businesses to survive. Mr. Hoskins had given no consideration to these issues. A special exception requirement would require the City to address such issues and attempt to rectify any negative impacts. As Ohio State University assistant professor of city and regional planning Jennifer Evans-Cowley said in 2005: “[f]or planners and elected officials to not plan for large-scale retail is to negate the relevance of these stores and to underestimate the retailers ardent interests in pursuing new markets.” She recommended that communities “start from the beginning first through careful study of the land-use and economic implications of

large-scale retail development, then by incorporating big box policies into the comprehensive planning process—perhaps the economic development element.”

Dated: November 13, 2013

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Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 4D

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ANC 4D Resolution 2013 - 01
RESOLUTION TO REQUIRE SPECIAL EXCEPTION
FOR BIG BOX DEVELOPMENT

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Secretary
SMD 4D01

Renee Bowser,
Vice Chairperson
SMD 4D02

Lisa Colbert,
Treasurer
SMD 4D03

Donna Brockington,
Chairperson
SMD 4D04

Valikia Newsome,
SMD 4D05

Bill Quirk,
SMD 4D06

WHEREAS, the District of Columbia Zoning Regulations list a series of commercial and residential development project types and uses which have a unique impact on District neighborhoods and many require a special exception order from the DC Board of Zoning Adjustment. The Board can grant exceptions where "in the judgment of the Board, the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;" (DCMR 11-3104.1) and

WHEREAS, currently there does not exist a special exception requirement for commercial retail stores that are 75,000 square feet or larger ("big-box stores") despite the unique impacts these big-box stores can impose on District neighborhoods; and

WHEREAS, currently the District of Columbia Zoning Code and the proposed Zoning Code drafted by the Office of Planning permit "as of right" development for retail larger than 75,000 square feet on most commercially zoned land which means there is no public approval process to weigh the burdens and benefits of big-box stores to the community; and

WHEREAS, big-box stores are usually national in scope and have been shown to reduce sales to locally-owned, small businesses that sell the same and/or similar products; and

WHEREAS, big-box stores generate less revenue for the local economy compared to locally-owned small businesses; and

WHEREAS, the large size of big-box stores are often out of scale compared to neighboring stores; and

WHEREAS, the District of Columbia Zoning Commission is considering its first wholesale rewrite of the DC Zoning Code in over 50 years and such consideration includes whether to maintain its "as of right" development policy on most commercially zoned land:

NOW, THEREFORE BE IT RESOLVED that Advisory Neighborhood Commission 4D proposes and recommends that the District of Columbia Zoning Commission adopt a policy whereby a developer who proposes a big-box store must secure a special exception prior to proceeding with said development.

Attested by

Lamont Akins

Secretary, on October 15, 2013

This resolution was approved by a roll call vote of 4-0, on October 15, 2013 at a regularly scheduled and noticed public meeting of ANC 4D at which a quorum (a minimum of 4 of 6 commissioner's) was present.

