

Comments to the Zoning Commission
Zoning Regulation Review

Subtitle G – Mixed Use (M) Zones

Case No. 08-06A

Submitted by:

ANC 3/4G-01 Carolyn A. Cook on behalf of my SMD

AGAINST BIG BOX STORES > 75K sq. ft “MATTER OF RIGHT”

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.

According to an April 5, 2012, memorandum by Jeff Zyontz, Legislative Attorney, to the Montgomery County Planning, Housing, and Economic Development Committee,

“Big box stores are distinguished from other uses because they produce more vehicle trips, more truck trips, and more trips from further distances than other uses. Their large floor plan can create uninviting places for pedestrians because they generally form barriers to extending the urban character of some communities.”

Multiple big-box stores that purchase foreign products made in sweat shops proliferate the exploitation of factory workers worldwide. Paying someone pennies a day for up to 18 hours work, should not be condoned by any American company let alone welcomed into major cities by zoning commissions, mayors and councilmembers as a matter of right. My councilmember brought two WALMARTS into Ward 4. There are jobs to create to fulfill a campaign promise AND THEN there are good paying, good quality jobs that contribute to the quality of life in our neighborhoods.

Big box stores notoriously pay their workers low wages and in turn woo away business from locally owned stores and competing supermarkets with the repetitive promise of lower prices. Residents are left with fewer, small, locally-owned businesses and products and left with mass produced items of lesser quality and fewer choices. Neighborhoods should not be forced to accept these kinds of stores that destroy the character and charm of DC and reward bad business practices.

The District is the only jurisdiction in the Washington-metropolitan area that does not require big-box stores to secure a special exception under at least some circumstances. Here is a summary of big-box zoning regulations in neighboring

jurisdictions, starting with the most restrictive (known to be current as of April 2012)¹:

Alexandria

Any retail establishment with 20,000 square feet (SF) or more gross floor area (OFA) must be approved by special exception.

Arlington County

Any retail establishment with 50,000 SF or more of floor area on any 1 level, or that requires 200 or more parking spaces, must be approved by special exception.

City of Rockville

No retail establishment may be more than 65,000 SF of GFA on any 1 level. There is no absolute limit on the size of a retail establishment

Loudoun County

Any retail establishment with 75,000 SF or more GFA must be approved by special exception.

Fairfax County

Certain retail establishments with 80,000 SF or more GFA must be approved by special exception.

Montgomery County

Combination retail stores over 120,000 SF must secure special exception

Prince George's County

Combination retail stores (department, grocery, and drugstores) with 125,000 SF or more OFA must be approved by special exception.

KEEP AVAILABLE PARKING

- Parking for residents and commuters, tourists, houseguests, trades people, and other service providers must be factored into decisions about the parking supply in the District.
- Imposing “one size fits all” parking policies without regard to a neighborhood’s location, demographics or existing conditions, or the needs of people at different stages of life, is just plain wrong for DC’s diverse, historic preservation and goal of creating an age-friendly DC by 2017.

¹ Information (except that pertaining to Montgomery County itself) is courtesy of Montgomery County Legislative Attorney Jeff Zyontz
(http://www6.montgomerycountymd.gov/content/council/pdf/agenda/cm/2012/120409/20120409_PHED3.pdf)

- For elderly, physically-challenged and single women who rely on cars for safe, reliable, cost effective transport, they may not choose to put their health or safety at risk when using public transportation – particularly at night or off peak hours when dangerous encounters are more likely to occur. Others may not be able to access public transportation. Our bus doesn't run on weekends or after 9pm, so it's a two mile – 4 mile walk one way to get into and out of my district to Friendship Heights metro. With all the route eliminations from WMATA, some neighborhoods have been left with no alternative to owning or renting a car.
- Parking must provide access to businesses and residences. Parking should minimize frustration associated with people searching for too few parking spaces in front of their homes. Owning a car maintains neighborhood livability and encourages aging in place.

In summary, I recommend that you retain existing minimum parking requirements for new development and institutions. Do not impose penalties for providing necessary parking supply and guarantee a public process in response to reducing parking requirements. I would also add with the city's increased push for ridership on Metro bus and rail, where are the lower costs passed on to us as their customers? Why does DC continue to operate public parking garages unlike our neighbors in Bethesda, Rockville and Arlington County that charge exorbitant, inconsistent rates? Should district residents not be entitled to subsidized parking as an incentive to ride public transportation?

SUPPORT INTERNAL ADU's

Keep them indoors in private residences to minimize impact to neighbors and neighborhood. Establish a process for complying with safety code regulations and tax laws before removing BZA authorization.

AGAINST EXTERNAL ADU's

There is a reason why my family chose to live in a suburban neighborhood in NW DC as opposed to the city center. The neighborhood is asleep by 10pm, streets are quiet, we have relatively spacious lots and plenty of parking available. By applying a one size fits all solution that could allow for two residential units on a single family home lot, you disproportionately disadvantage suburban dwellers who forfeited the higher home values of urban living in favor of single family homes with quiet, green spaces and free, unlimited parking for their cars that transport kids, pets and grandparents when needed in town and out of town.

What are we getting for urban sprawl for our inferior home values?

Adding apartments to many backyards would diminish the Chevy Chase DC neighborhood's character and charm. It would negatively impact our quality of life, increase traffic on residential streets which poses a greater safety hazard for children, pets and senior pedestrians. How will you handle the very real disputes

that will ensue over whether the children of rental dwellers should be given a preference for attending schools located within neighborhood boundaries over other homeowners? Are you prepared to answer to angry parents who are suddenly forced to participate in a lottery system to attend a school in their own ward boundary? This will be a very big issue for Ward 4 residents living west and east of the Park.

MONITOR AND APPROVE CERTAIN TYPES OF HOME BASED BUSINESSES

Certain types of Home-based businesses as external units where clients/customers/inventory delivery trucks etc.... come and go should not be allowed in single family residential zones. Or if they are, it should still require BZA approval including ANC involvement to allow neighbors to discuss concerns and either negotiate a more workable arrangement upfront or reject the application.

There should not be multiple accessory dwellings or home based businesses on a single lot. There is a reason why surrounding jurisdictions have strict limits on the number and location of external ADUs.

Carolyn A. Cook

A handwritten signature in black ink, appearing to read 'Carolyn A. Cook', written in a cursive style.

ANC 3/4G-01