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VIA IZIS

Anthony Hood, Chairman
Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: Subtitles G, H, I, and K of Draft Zoning Regulations (September
2013) -- Petition for Regulations of Big-Box Retail Development

Dear Chairman Hood and Members of the Zoning Commission:

Under D.C.'s existing Zoning Code, developers may build large format retail stores as a "matter of right." This benefit enables a developer to construct these buildings irrespective of the building's effect on the surrounding neighborhood, traffic, and businesses as long as the site on which a building is proposed permits commercial retail development. As a consequence, concerned individuals are unable to voice their grievances publicly over these proposed buildings.

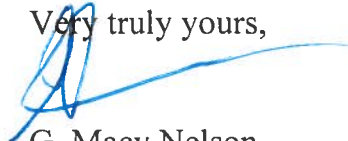
Because of this rule in the existing code, we have advocated that developers of proposed large format retail stores secure a special exception from D.C.'s Board of Zoning Adjustment ("BZA") prior to proceeding with these developments ("proposal"). To this end, we sought to include this proposal in the new Zoning Code under review by the Zoning Commission. This proposal would facilitate a public vetting of any proposed large format retail store at the outset of the development process and thereby empower the BZA to approve or deny such project based on the project's merits. Following hearings on the new Zoning Code in November 2013, the Zoning Commission endorsed our proposal.

Nevertheless, while this proposal was included in subsequent revised proposed text of the new Zoning Code, the language of the proposal exempted all proposed large format retail stores from securing a special exception if the proposed development was subject to large tract review ("LTR"). Since all large format retail stores are subject to LTR, this exemption had the effect of rendering the proposal moot.

Fortunately, this exception has been rewritten in the most recent revised text such that only large format retail stores that had been subject to LTR by the date the new Zoning Code takes effect are exempt from needing to secure a special exception. *See* Proposed Text Amendments to Proposed D.C. Zoning Code, Subtitle U, Chapter 5 Use Permissions Mixed Use (MU) Zones, § 511.1(j)(9)(B) (exempting from special exception requirement “[l]arge format retail that would occupy a project with a completed review under the large tract review regulations (Title 10-B, Chapter 23) as of the effective date of this title”) (emphasis added). This language cures the defect in the earlier versions of the revised proposed text. Therefore, we endorse this new language and encourage the Zoning Commission to adopt this language specifically and to continue to support the proposal generally.

We greatly appreciate and thank the Commission as well as the Office of Planning for all of the work it has done and time spent in reviewing and revising the proposed new Zoning Code.

Very truly yours,



G. Macy Nelson



Michael Kroopnick