

TESTIMONY BEFORE D.C. ZONING COMMISSION
THE ZONING REGULATIONS REVIEW (ZBR)
ZONING COMMISSION CASE NO. 08-06a
SUBTITLE G
SPECIAL EXCEPTION FOR BIG-BOX RETAILERS IN D.C.
November 13, 2013

GOOD EVENING!

I AM CAROLYN DUNGEE NICHOLAS, PRESIDENT, ADVOCATES FOR ELDER JUSTICE, HILDA AND CHARLES MASON CHARITABLE FOUNDATION, INC.

I AM HERE THIS AFTERNOON ON BEHALF OF ELDERLY AND OTHER RESIDENTS OF THE DISTRICT OF COLUMBIA WHO WILL OR MAY BE AFFECTED BY AND HAVE CONCERNS ABOUT BIG-BOX RETAIL DEVELOPMENT IN THEIR NEIGHBORHOODS, TO TESTIFY IN SUPPORT OF A SPECIAL EXCEPTION FOR BIG-BOX RETAILERS IN D.C.

THESE CONCERNS ARISE BECAUSE THE DISTRICT DOES NOT REGULATE BIG-BOX DEVELOPMENT, AND IT HAS NOT ADOPTED DRAFT REGULATIONS FOR ITS NEW ZONING CODE REGULATING BIG-BOX DEVELOPMENT.

I SUBMIT THESE COMMENTS FOR THE PURPOSE OF PROPOSING THAT THE DISTRICT REGULATE BIG-BOX DEVELOPMENT. TO THIS END, MY COMMENTS PROPOSE THAT THE DISTRICT REQUIRE THAT DEVELOPERS OF BIG BOX STORES SECURE A SPECIAL EXCEPTION AS A MEANS OF REGULATING THIS TYPE OF DEVELOPMENT:

PROPOSALS FOR REGULATING BIG-BOX DEVELOPMENT IN THE DISTRICT OF COLUMBIA:

BIG-BOX RETAILERS HAVE A UNIQUELY ADVERSE EFFECT ON TRAFFIC, ADJACENT SMALL BUSINESSES, AND NEIGHBORHOOD CHARACTER. THUS, BIG-BOX DEVELOPERS SHOULD BE REQUIRED

TO SECURE A SPECIAL EXCEPTION BEFORE PROJECT DEVELOPMENT MAY PROCEED TO ENABLE THE D.C. GOVERNMENT AND THE PUBLIC TO TAKE INTO ACCOUNT ANY ADVERSE EFFECTS THE TARGET COMMUNITY/NEIGHBORHOOD MAY SUFFER.

THE DISTRICT OF COLUMBIA ALREADY REQUIRES A SPECIAL EXCEPTION FOR CERTAIN COMMERCIAL LAND USES THAT HAVE A LESS ADVERSE IMPACT THAN THAT OF BIG-BOX STORES. FOR EXAMPLE, THE DISTRICT REQUIRES A SPECIAL EXCEPTION FOR A COMMUNITY-BASED INSTITUTIONAL FACILITY THAT HOUSES NO MORE THAN TWENTY PERSONS (EXCLUDING STAFF AND THEIR FAMILIES). YET, THE OFFICE OF PLANNING MAINTAINS ITS AS-OF-RIGHT POLICY FOR RETAIL DEVELOPMENT IN THE DRAFT ZONING CODE IT SUBMITTED TO THE ZONING COMMISSION. AS A RESULT, ANY PLANNED RETAIL DEVELOPMENT THAT COMPLIES WITH THE APPLICABLE DEVELOPMENT STANDARDS MAY PROCEED REGARDLESS OF ITS IMPACT.

THE DISTRICT OF COLUMBIA IS THE ONLY JURISDICTION WITHIN THE WASHINGTON METROPOLITAN AREA THAT DOES NOT PROVIDE FOR A SPECIAL EXCEPTION FOR BIG-BOX STORES UNDER AT LEAST SOME CIRCUMSTANCES.

A SPECIAL EXCEPTION REQUIREMENT FOR BIG-BOX DEVELOPMENT IS A COMMON-SENSE SOLUTION TO THE PROBLEMS THAT BIG-BOX STORES POSE. IN PARTICULAR, REQUIRING THAT A DEVELOPER OF A PROPOSED BIG-BOX STORE SECURE A SPECIAL EXCEPTION, MOST LIKELY FROM THE BOARD OF ZONING ADJUSTMENT WHICH MUST ALREADY DECIDE THE GRANTING OR DENIAL OF SPECIAL EXCEPTIONS, WILL FACILITATE A PUBLIC PROCESS THAT WEIGHS THE COSTS AND BENEFITS OF ALLOWING A BIG-BOX STORE IN A GIVEN NEIGHBORHOOD. CURRENTLY, NO PUBLIC APPROVAL PROCESS EXISTS.

A SPECIAL EXCEPTION PROCESS WILL ENSURE THAT DEVELOPMENT BENEFICIAL TO A GIVEN COMMUNITY IS SERIOUSLY AND MEANINGFULLY CONSIDERED AND DEVELOPMENT THAT HAS POTENTIAL BUT NEEDS RE-WORKING IS IMPROVED UPON, WHILE PREVENTING DEVELOPMENT THAT ADVERSELY AFFECTS A GIVEN COMMUNITY.

IF A SPECIAL EXCEPTION PROCESS IS EMPLACED, THE PUBLIC WILL GAIN THE CONFIDENCE THAT THEIR CONCERNS ARE FAIRLY CONSIDERED – AND HOPEFULLY FAIRLY ADDRESSED.

NOW IS THE IDEAL TIME FOR THE ZONING COMMISSION TO ENACT MEANINGFUL REFORMS REGARDING BIG-BOX DEVELOPMENT GIVEN THAT IT IS CONSIDERING COMPREHENSIVE CHANGES TO THE ZONING CODE FOR THE FIRST TIME IN OVER 50 YEARS.

THANK YOU FOR YOUR CONSIDERATION.