

June 21, 2004

Dear Mr. Silverman,

The Action Committee for Transit strongly endorses Zoning Text Amendment 04-04, which would make big box stores a special exception. We further recommend that:

- A provision that the site must have adequate transit access needs to be added to the requirements for the special exception.
- We would prefer that the ordinance apply to all Big Box stores and not be limited to those that sell groceries or drugs.

ACT is convinced that many of the basic concepts embodied in Montgomery County's zoning ordinance and Master Plans are grievously misguided. Clearly, if these documents were accomplishing what their drafters set out to do, we would not have today's horrendous traffic congestion. The traffic mess has been created by the suburban sprawl that the zoning ordinance encourages and frequently requires.

One of the fundamental defects of the zoning ordinance is that single-use developments, which force people into their cars whenever they want to go somewhere, are generally allowed "of right," while mixed-use developments in which people can walk from home to store to office and to transit stations usually require time-consuming and expensive special exceptions. If our goal is livable communities and convenient transportation, it needs to be the other way around. The Council has taken some small steps in recent years to reduce the zoning code's bias toward single-use development, including the easing of local area traffic review near Metro stations and allowing more apartments above stores on sites near Metro stations such as Arlington Road in Bethesda. But much more needs to be done.

From a transportation point of view, Big Box stores represent the very worst of single-use development. Not only do enormous amounts of traffic go in and out of the stores, but they have indirect effects that generate more traffic. By concentrating retail activity in one place, they discourage neighborhood-oriented stores that could be reached on foot, and they contribute to the generally anti-pedestrian atmosphere of our suburban environment. It is simply absurd that our land use regulation system, which throws so many roadblocks in the way of healthy mixed-use development, allows Big Box stores without even the level of review required to obtain a special exception. Thus we strongly support the proposed zoning text amendment, and encourage the Council to apply it to all Big Box stores.

We believe that the Council should make one very important modification to the legislation. Adequate transit access needs to be a requirement of the special exception. Experience shows that Big Box retailers tend to drive out competition, and especially competitors at the low end of the price spectrum.

If we allow Big Boxes to be built without transit access, transit-dependent residents of the county will be unable to reach the least expensive stores.

ACT believes that the best location for major retail centers is near Metrorail stations in Central Business Districts. Certainly, a Big Box grocery or drug store with anything less than all-day bus service seven days a week would not be adequately accessible and should not be allowed. For some other types of Big Boxes, a lesser level of transit service would be sufficient. (For example, customers of a lumber yard will not carry their purchases home on the bus.) Thus we recommend that the Council not spell out in the ordinance what constitutes adequate transit access and allow the Planning Board to address this question on a case-by-case basis.