

TESTIMONY OF THE ORDWAY STREET NEIGHBORS

Case 08-15

MAY 9

April 6, 2009

The Ordway Street Neighbors appreciate the opportunity to present our views to the Zoning Commission on proposed redevelopment of the Giant supermarket and surrounding area at Wisconsin Ave. and Newark Street, NW. Ordway Street is classified as a local residential street and is located within the Cleveland Park Historic District east of Wisconsin Avenue, almost directly across from the project site. Some members of our group are located within 200 feet of the project site.

We support development of a modernized Giant supermarket and surrounding area, but we oppose the unconditional approval of the application, and we urge the Zoning Commission to take action to uphold the protections provided by the existing zoning requirements and impose numerous modifications to the proposed project. The project as proposed requests too many changes to current zoning requirements, thereby resulting in a project that is simply too large and too dense and imposes too many negative impacts on the surrounding neighborhood. At minimum, the developer has failed to satisfy the burden of proving – as the zoning regulations require – that the significant and numerous zoning changes are justified or that the public benefits of the proposal outweigh the negative impacts on the neighborhood. Accordingly, the Zoning Commission must reject the project as proposed and act to ensure that this project is undertaken in a manner that mitigates adverse impacts on the surrounding neighborhood, including Ordway Street.

Our testimony focuses on several issues of particular importance to Ordway Street:

- (1) Parking, particularly the absence of parking in the north block for the patrons of commercial establishments located in the north block.
- (2) Safety and traffic, particularly the proposed reconfiguration of the Wisconsin Avenue/Idaho Avenue/Ordway intersection.
- (3) Other disturbances, including the elimination of the commercial overlay, loading, and the scale/mass of the project.

We outline our concerns below and suggest some possible solutions to these problems.

North Block Parking

Due to the inadequate number of parking spots proposed in the project, and the complete absence of parking for patrons of the commercial establishments in the north block, the project will result in significant number of cars seeking to park on Ordway Street. The local neighborhood is already congested with parking from

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local residents, patrons and employees of the existing commercial establishments who cannot park in the small surface lots, visitors to the nearby institutions (e.g., the Washington Ballet), and nearby apartment buildings.¹ It seems clear that the inadequate parking in the proposed project will result in spillover into local neighborhood streets, including Ordway. These adverse impacts must be addressed and mitigated in the design and approval of the proposed project.

The proposed project calls for approximately 30,799 SF of commercial development in the north block, in addition to a large residential building, and zoning regulations require 93 spaces for the commercial patrons of the North Block commercial establishments. The applicant, however, proposes significant commercial development on the North Block (including, as a result of the proposed elimination of the commercial overlay, potentially numerous bars and restaurants that attract large numbers of patrons) without any commercial parking; instead, the parking on the North Block would be reserved solely for residents of the new building. According to the developer's plan, customers of commercial establishments in the North Block presumably would park in an underground parking lot under the supermarket in the south block, take an elevator to the street level, and walk to the stores or restaurants in the north block.

This approach is contrary to the zoning regulations and common sense. It will cause significant adverse impacts on neighboring streets, such as Ordway, as the commercial patrons search for the closest, most convenient parking spot on local residential streets. It is unrealistic to expect customers to park underground in the south block, take an elevator to the Giant supermarket street level, and walk to the north block commercial establishments. Instead, it is likely that most customers of the commercial establishments in the north block will park in the adjoining local streets, including Ordway Street. We note that Ordway may be particularly attractive to cars seeking parking because of its proximity to the north block and because of the proposed new traffic light at the Wisconsin-Idaho intersection would allow for easy crossing of Wisconsin Ave. to the stores and restaurants in the north block. Parking on Ordway Street would also enable cars to avoid several traffic lights and the need to navigate an underground lot in a busy commercial area.

As a reference, the existing Starbucks, where a restaurant could go, is a 375 foot walk from the front of my house. In comparison this location is a 550 foot walk, plus an elevator ride, from the center of the underground garage—the proposed parking place for Starbucks site customers. Furthermore, for customers driving from the east, along Porter St. or from the north, on Wisconsin Avenue, Ordway Street parking is 2 blocks closer and 3 fewer traffic lights than the underground

¹ The current parking difficulties will be aggravated by other projects in the immediate area, such as the conversion of the former nursing home at 3333 Wisconsin Avenue to condominiums. Our understanding is that this project will result in 99 residences with only 37 off-street parking spots.

garage. We all know where people park — the most convenient spot. Even if Giant were to provide an adequate number of underground spaces in the South Block garage—which they aren't — Ordway, Idaho, and Norton would become commercial parking lots for the North Block because of their close location.

Many residents of this block park on the street, either because they do not have a driveway or an alley, or because they have a driveway that only serves one mini-car. While no one has a right to park in front of their house on the public streets, it is reasonable for residents of a local residential street to have some expectation that they can park near their house. The proposed project, however, will result in our quiet street being transformed into a parking lot for the project.

The existing commercial establishments in the north block are currently served by a surface parking lot that provides 45 spaces, and this lot is routinely filled to accommodate the limited number of stores present in the area. Moreover, patrons of these establishments currently park on Idaho Avenue, but it seems likely that these parking spots would be eliminated if the proposal to convert Idaho to two-way traffic for trucks and buses is approved.

The applicant has claimed in public meetings that offering more parking spaces would attract more traffic to the area, and that limiting parking will encourage the use of public transportation. We disagree with this claim. The proposed site is not located on a Metro line, and we question whether a substantial number of shoppers will take the bus. It is improper for the Zoning Commission to override its own regulations to test this theory in the hope that it proves true. The local neighborhood bears the harmful impacts of the risk that this theory is wrong, and these harmful impacts are the very things that the zoning regulations are designed to prevent. The Zoning Commission should uphold the zoning requirements and require adequate parking for the north block for the following reasons:

- First, the applicant bears the burden of proof that the proposed parking is adequate or that future customers are likely to use public transit, and they have offered no evidence in support of this assertion.
- Second, the applicant's claim that residents and customers will use public transit is belied by the fact that they insist on providing parking spaces for each of the residences of the north block development. If the public transit opportunities in the area were sufficient, then dedicated parking spaces for the residents would be unnecessary.
- Third, the size of the proposed Super Giant is designed for bulk purchasing, and therefore it is unreasonable to expect these shoppers to ride the buses. The nearest Metro stations (Cleveland Park and Tenleytown) are almost a mile away, which is too far for use by bulk shoppers.

The inadequate parking contained in the proposal is compounded by the applicant's proposed elimination of the Macomb-Wisconsin Neighborhood Commercial Overlay, which declares the shopping center to be neighborhood oriented and limits uses that would impose undue impact on the surrounding community. The elimination of the overlay is inappropriate and unwarranted, and the applicant has failed to demonstrate the need for it. The elimination of the overlay would compound the current parking problems experienced by the neighborhood by attracting shoppers from outside the local neighborhood and allowing for large numbers of restaurants, bars, and other uses. The peak hours of restaurants and bars are often times when the already inadequate bus service is particularly limited, and it is likely that most patrons will drive to these establishments. Surrounding areas, including the local residential streets of Cleveland Park and McLean Gardens are already congested with parking, and the lack of parking on the North Block will compound these problems.

The absence of parking for patrons of commercial establishments in the north block must be addressed as part of the project approval. Zoning requirements dictate that the north block must provide at least 93 parking spaces to accommodate the approximately 30,799 SF of commercial space being proposed in the north block. There are several solutions to address our concerns:

- Increase the overall number of parking spaces in the north block by adding additional floors of parking to accommodate at least 93 parking spaces for patrons of the north block commercial establishments. (This approach would have the added benefit of ensuring that the project as a whole provides adequate parking to residents, shoppers, and employees.)
- Reduce the number of parking spots reserved for the residents in the north block and dedicate these spots to the patrons of the commercial establishments. (Since the developer claims that this project constitutes "transit oriented development," it would therefore follow that residents of this block can utilize the Metro bus system and have no need for cars or dedicated parking spaces. For the same reasons, these residents should not be eligible for on-street residential parking permits.)
- Restrict parking on Ordway to residents only, in order to deter the use of Ordway Street for parking by non-residents.

Traffic and Safety Concerns at the Wisconsin Avenue/Idaho Avenue/Ordway Intersection

The developer's traffic study recommends substantial changes to the Wisconsin Avenue/Idaho Avenue/Ordway Street intersection, which will likely have major adverse impacts to safety on Ordway Street. The study recommends to (a) "convert Idaho Avenue from one-way to two-way operation west of Wisconsin Avenue," (b) "reconstruct the Wisconsin Avenue/Idaho Avenue/Ordway intersection to adequately accommodate pedestrians, bicyclists, trucks, and automobiles," and (c) "install a new traffic signal at the Wisconsin Avenue/Idaho Avenue/Ordway Street intersection."² These changes, coupled with the existing level of traffic in the area and the anticipated increases resulting from the development, raise significant safety concerns on Ordway Street. Traffic safety and mitigation measures to reduce the impacts on Ordway Street should be addressed as part of the project planning and approval.

The Wisconsin Avenue/Idaho Avenue/Ordway Street intersection is an unusual 5-way intersection³ that presently gives rise to several safety concerns, and the addition of a new traffic signal and converting Idaho to two-way operation west of Wisconsin Avenue would increase the safety issues associated with this intersection. In an apparent attempt to address the safety concerns associated with this intersection, there is currently a temporary set of plastic strips at Wisconsin and Idaho that attempts to restrict westbound traffic on Ordway from accessing Wisconsin directly; cars are supposed to turn right on to Idaho, but that is not always the case. With the new traffic configuration proposed by the developer, along with the overall increase in traffic proposed for the area, the existing safety problems are likely to be exacerbated.

We have raised these concerns with both the Applicant and DDOT, but unfortunately there has been no apparent effort to mitigate these impacts. Furthermore, a broader group of my neighbors on Ordway Street share these concerns. The vast majority of neighbors on Ordway Street between 34th Street and the Wisconsin/Idaho intersection sent a letter to Councilwoman Cheh in July 2008 expressing our concerns.⁴ Unfortunately, we have not received a response from Ms. Cheh.

The following questions associated with the proposed changes must be considered and addressed as part of the project planning:

- Will the reconstruction of the Wisconsin Avenue/Idaho Avenue/Ordway Street intersection "to adequately accommodate . . . buses, trucks . . ." result in the use of buses and trucks on Ordway

² See Wisconsin Avenue Giant PUD Pre-Submission Exhibit F at page 20 (October 24, 2008).

³ See attached photos.

⁴ Copy attached.

Street, which is classified as a local residential street? If not, how will buses and trucks be restricted from using Ordway Street?

- Will the traffic light and conversion of Idaho to two-way traffic result in Ordway Street being used as a local artery for cut-through traffic from major arteries such as Wisconsin Avenue, Connecticut Avenue, and Reno Road?
- How will local westbound traffic on Ordway Street be expected to turn right on to Idaho Avenue in a safe manner if traffic is potentially proceeding to Idaho at all times from either Wisconsin or Idaho (west of Wisconsin)? In other words, how will cars on Ordway know they can safely turn on to Idaho without the risk of interfering with traffic from either Wisconsin or Idaho?

These questions need to be addressed and mitigated as part of the project design and approval. The applicant appears to acknowledge the existence of potential problems, but does not offer any solutions to address them:

"Giant has not proposed altering or removing the existing traffic markings, and traffic would continue to be prohibited from accessing the PUD site from Ordway Street. Furthermore, Giant is not opposed to the installation of further improvements that would limit access to or from Ordway Street. The Applicant's traffic study presumed that Ordway Street would not be used to access the site (see p. 37), and any future improvements restricting traffic on Ordway would not impact the recommendations and conclusions of the traffic study. Again, DDOT is responsible for the final determinations regarding improvements in public space."⁵

This response is inadequate and the Zoning Commission should require the applicant to address these issues as a condition of project approval. Simply deferring the issue – and the potential cost of resolution – to DDOT is not sufficient.

DDOT's apparent response is to fail to recommend any action. In a memorandum on the application, DDOT appears to conclude that the changes to the Wisconsin/Idaho/Ordway intersection represents an improvement and no modifications are needed.⁶ DDOT states that the applicant "will also provide improved vehicular travel through this area since the applicant will install a new

⁵ Memorandum of Phil Feola to ANC3C Commissioners, "Z.C. Case No. 08-15" at page 4 (Jan. 16, 2009).

⁶ See Memorandum of Karina Ricks (DDOT) to Richard Nero, Acting Director, DC Office of Zoning, "Zoning Commission Case 08-15" at page 3 (February 11, 2009).

traffic signal at the intersection.” DDOT fails to address the safety issues regarding the 5-way Wisconsin/Idaho/Ordway intersection or whether this “improved vehicular travel” includes local residential streets such as Ordway being used as a cut-through to other roads.⁷ In short, the applicant views this issue as the responsibility of DDOT, and DDOT fails to address the issues raised by the project.

The changes being proposed to the intersection and the overall increase in traffic will add further complexity and safety concerns to this intersection and potentially make Ordway Street a convenient “cut through” to and from the project. Just as cars seeking parking will search for the closest, most convenient spot on residential streets near the North Block, cars going to or from the project and surrounding area will seek the quickest, most convenient route. For example, traffic going east from the site could successfully avoid a traffic light at Wisconsin/Porter and two stop signs on Porter Street by using Ordway Street as a “cut through.”

If the proposed re-configuration of the intersection is adopted, we believe that mitigation of these adverse impacts on Ordway Street could be readily accomplished in a number of ways:

1. Prohibit truck and bus access on to Ordway Street through the placement of signs or other means.
2. Re-design and extend the existing barrier and/or construct a new barrier to restrict traffic from Wisconsin Avenue and Idaho Avenues (west of Wisconsin) from accessing Ordway Street (similar to the barrier constructed at Wisconsin Avenue and Jennifer Street in Friendship Heights – east side).
3. Require northeast bound traffic from Idaho Avenue (west of Wisconsin) to turn either left or right on to Wisconsin at the new traffic signal, and prohibit traffic from going straight across to Idaho Avenue (east of Wisconsin) (similar to the light configuration and barrier at Wisconsin Avenue and Upton Street in North Cleveland Park – east side).

We believe that measures such as these should be made a condition of project approval.

⁷ Curiously, the report states that the applicant “has assumed the responsibility to redesign and reconstruct the west and east portion of the Wisconsin Avenue/Idaho Avenue intersection” (emphasis added). It is unclear what redesign and reconstruction DDOT has in mind with regard to the east side of this intersection.

Other Disturbances

In addition to traffic and parking impacts, the quality of life of our neighborhood will be adversely impacted by the mass and density of the project, anticipated uses, loading, and other disturbances. Members of our group have lived in the neighborhood for several decades, and the number and scale of zoning changes being requested will adversely impact our quality of life, property values, and peaceful enjoyment of our property.

1. Elimination of the Overlay

The PUD is within the Macomb-Wisconsin Commercial Overlay District. This district provides for several important protections, including a requirement that commercial uses be restricted to neighborhood commercial establishments and to limit the number of banks, bars, and restaurants that would likely attract significant numbers of visitors from outside the immediate neighborhood. The district already has a number of bars and restaurants and is already close to the 25 percent limit allowed by the overlay.

Unfortunately, the applicant proposes the complete elimination of the overlay without any justification for such a substantial modification of current zoning requirements. In a pre-hearing supplemental submission, the applicant states that they would limit financial institutions to 20 percent of the ground level commercial space of the PUD, and restaurants and fast food establishments would comprise no more than 25 percent of the street frontage of the PUD site.⁸ This would dramatically alter the character of the area and would run counter to the purposes of the Overlay District. The area would likely be filled with bars and restaurants (including fast food establishments that are prohibited under the current rules of the Overlay District) that would attract significant numbers of patrons from outside the neighborhood, thereby adding to the traffic and parking problems referenced above. It would also push out neighborhood shopping opportunities that are provided by the current commercial establishments.

The applicant has not made clear why the elimination of the overlay is justified. It is the responsibility of the Zoning Commission to uphold the protections provided by the zoning rules, particularly in the absence of compelling reasons to alter these rules. To the extent that modifications of the rules are justified, such changes should be limited and narrow in scope. The applicant is overreaching and requesting changes in violation of the zoning requirements.

2. Scale and Density of the North Block

⁸ Letter of Phil Feola, Esq. to Mr. Anthony Hood, Chairperson re Supplemental Pre-Hearing Filing Cover Letter at page 3 (January 30, 2009)

The block now has 1- and 2-story commercial buildings served by an adjoining surface parking lot. Giant proposes a large, 5 story structure, with stores, restaurants, and 124 apartments, but no commercial parking. It is true that there are other apartment buildings in the area, but these buildings tend to be smaller in scale and set back from the street. Even Vaughn Place, an apartment taller than the proposed North Block located across Idaho Avenue from the project site, has a significant set back from both Wisconsin Avenue and Idaho Avenue. This setback gives the building a less dense, more neighborhood-friendly feel.

The height and mass of the building on the North Block is inconsistent with the current zoning requirements and inappropriate for the neighborhood. The height and mass also contribute to the problems referenced above and below (e.g., traffic, parking, loading, etc.). We are also concerned about impacts such as lighting, rooftop structures (e.g., antennas), noise, and other impacts that will adversely impact the quality of life and property values of nearby residents. It should be emphasized that the project is directly adjacent to the Cleveland Park Historic District.

The Zoning Commission should reduce the size of the North Block building, perhaps by shifting some of the development to the larger South Block or by reducing the overall size of the project. The building should also be set back from the street. While we support re-development of the site and "infill" in our city, such development must be consistent with the overall character of the surrounding neighborhood.

3. Loading

Other neighbors have expressed concern about the applicant's loading and delivery plan, and we share those concerns. We share the concerns of our neighbors on Idaho Avenue with the imposition of a large loading dock on the South Block in an area currently zoned as residential. Our comments will focus on the North Block.

The applicant offers an inadequate loading dock on Idaho Avenue in light of the extensive amount of commercial and residential space in the North Block. Given that this loading area is 200-350 feet from many of our properties, we are concerned that this will result in unnecessary truck backups and on-street loading are likely to overflow to Idaho & Wisconsin Ave.

The applicant has failed to explain why it should be permitted to provide loading facilities smaller than what is required by the zoning regulations. The Zoning Commission should reject the applicant's submission and require adequate zoning for a project of this size.

* * *

This PUD just has too much building structure and too little parking and will attract too much traffic. As currently proposed, the costs of the project are borne by the immediate neighbors. Our neighborhood will suffer the impacts of more parking, traffic, and noise basically our quality of life changes because of factors that the city is reviewing. We ask that you put in place enough controls so as to allow us to maintain the quality of life we've enjoyed here for the past 20+ years. Changes for the common good are welcome by all but changes for a corporation can make more money at our expense are not welcome in our neighborhood.

We thank the Zoning Commission for consideration of our views, and we urge the Commission to ensure that any approval of the project include appropriate conditions, as suggested above, to mitigate the adverse impacts of the project.



----- Original Message -----

From: [David & Eileen](#)

To: mcch@dccouncil.us

Cc: Nmacwood@aol.com ; bruceanc3c05@earthlink.net ; trudyreeves@yahoo.com ; alberto.solano@dc.gov ; melissa.bird@dc.gov ; karina.ricks@dc.gov ; Jeffrey.jennings@dc.gov ; jennifer.steingasser@dc.gov

Sent: Friday, July 18, 2008 7:59 AM

Subject: Re: Letter from Ordway Street residents re Proposed Giant Development

I inadvertently omitted the name and address of a neighbor from the letter sent last night. Please discard that version and use the version below. Thanks.

* * *

July 17, 2008

The Honorable Mary M. Cheh
D.C. Council – Ward 3
1350 Pennsylvania Avenue NW, Suite 108
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Re: Impact on Ordway St., NW in Cleveland Park on the Development of the Giant
(Wisconsin and Newark) and the Adjoining Block

Dear Councilwoman Cheh:

As residents of Ordway Street, NW, in Cleveland Park, we are writing to share our views on the re-development of the Giant Supermarket and adjacent parcels at Wisconsin Ave. between Macomb St. and Idaho Ave., NW as it relates to our blocks on Ordway Street, NW. Our specific concerns that are the focus of this letter relate to the impacts on Ordway Street of the substantial increase in traffic in the area resulting from the re-development and the proposed traffic changes to Idaho Ave., NW and the intersection of Wisconsin Ave. and Idaho Ave. We hope that these concerns can be addressed as work continues on the traffic plan for the project.

We are concerned that certain proposed traffic changes and the overall anticipated increase in traffic volume resulting from this commercial and residential project may have significant adverse impacts on Ordway Street east of Wisconsin Avenue, a residential street located in the Cleveland Park Historic District. Our understanding is that current plans contemplate the installation of a new traffic signal at the intersection of Wisconsin Avenue and Idaho Avenue, and the opening of Idaho Avenue west of Wisconsin Avenue to two-way traffic. We have been informed that these steps are needed to allow for truck traffic to go to and from a loading area that is planned to be situated across the street from the Police Station.

The intersection of Wisconsin Avenue, Idaho Avenue, and Ordway Street is an unusual intersection and presents some unusual challenges for both car traffic and pedestrians. Wisconsin Avenue and Idaho Avenue intersect on a diagonal, and Ordway Street intersects with Idaho Avenue at a different diagonal, forming a somewhat oddly-shaped 5-way intersection.

Furthermore, Idaho Avenue is currently one-way to the east of Wisconsin Avenue, and is one-way in the opposite direction to the west of Wisconsin Avenue. Cars currently have access to Ordway Street going east from Wisconsin Avenue, but cars on Ordway Street are restricted from accessing Wisconsin Avenue and must turn right onto Idaho Avenue.

The shape of this 5-way intersection and the already significant traffic volume on these streets present a well-known vehicular and pedestrian hazard. Indeed, Mayor Fenty highlighted the pedestrian safety risks at this intersection at a public event on December 6, 2007. These existing traffic and pedestrian challenges will likely be exacerbated as a result of the increased traffic volume resulting from the project.

The addition of a traffic signal and the opening of Idaho west of Wisconsin Avenue to two-way traffic could have significant adverse effects on Ordway Street east of Wisconsin Avenue. As you are aware, Ordway Street is classified as a local street under the D.C. Functional Classification Map of the D.C. Department of Transportation. It is intended for local residential traffic, and it is not suitable for significant increases in traffic. Unfortunately, Ordway Street already experiences a high volume of traffic from cars seeking "short-cuts" to and from Wisconsin Avenue. As residents of this street, we have observed cars routinely ignore the existing access restrictions and proceed from Ordway Street directly on to Wisconsin Avenue. Further increases in traffic volume would be detrimental to the quality of life and the safety of the residents on the block. These blocks have a large number of children age 10 and under, and some semi-detached houses on this block do not have a driveway or an alley and rely solely on the street for parking, resulting in narrow access for cars.

We are concerned that the proposed traffic changes and increased traffic volume could result in greatly increased traffic and safety risks on Ordway Street, unless appropriate actions are taken as part of the overall traffic plan related to the project development. In the absence of steps to address these issues, we are concerned that Ordway Street will be viewed as a quick and convenient "cut through" for drivers going to or from the new development.

We would like the future plans for the project to include consideration of strong measures to address traffic concerns on Ordway Street, such as further restrictions on access to and from Ordway Street both from Wisconsin Ave and Idaho Avenue. We believe that it is critical that a development of this size include measures to protect the local residential streets of Cleveland Park.

We appreciate your assistance on this matter. Please contact David Isaacs (3610 Ordway St.) (davideileen@verizon.net) or Roger Pollak (3501 Ordway Street) (rpollak@bredhoff.com) to discuss this matter further.

Sincerely,

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