

3456 Newark Street, N.W.
Washington, DC 20016

May 20, 2009

Chairman Anthony Hood and Commissioners,
District of Columbia Zoning Commission
441 4th St NW # 200
Washington, DC 20001

Re: Friendship Shopping Center PUD, Zoning Commission Case No. 08-15

Dear Chairman Hood and Commissioners,

I write in connection with the above-referenced case (the "Giant PUD"). I welcome a new grocery store, but – as a resident with children who lives two blocks directly east of the Giant PUD --I have several concerns about the scope, impact and lack of amenities in the current PUD proposal.

First, it is important to step back and acknowledge that the Giant PUD is, I believe, the largest development currently proposed in the entirety of Ward 3. That includes anything currently proposed at Friendship Heights or at any other Metrorail stop. The Giant SuperCenter – Giant's corporate category for a grocery store of this size will be the largest such store in Ward 3, if not west of Rock Creek Park. So in a part of the city that is already served by a number of smaller supermarkets, Giant clearly plans to differentiate this SuperCenter by its size. The SuperCenter, which will be more than a mile from any Metro station, is much larger than any grocery store in the ward that is near a Metro stop, including Giant's own supermarkets at Van Ness and Friendship Heights.

Second, the Giant PUD is car-oriented development. This is not surprising. The Office of Planning itself has stated that even where an area is served by several bus routes, but no Metro stop, driving is more likely than in other neighborhoods. It is significant that OP was writing about Glover Park, just south of the PUD site, which is served by 6 bus routes, connecting directly to 3 different Metro stops, compared with 4 at the applicant's site. The Commissioners, no doubt, will recall their own observations that customers heavily drive to super markets when you considered the adequacy of parking at the Steuart mixed use development at 3rd and H, N.E. And I would point out that the supermarket space at the 3rd and H site was 40,000 sq. ft. and 3 blocks from Union Station Metro. The Giant SuperCenter, by contrast is 40 percent larger and a mile from the Metro. So the vast majority of the customers will drive.

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Third, this traffic will present a real burden to the neighborhood. Applicant's traffic expert has frankly stated that traffic from the PUD site will more than double. Their study shows that there will be more than 550 additional vehicle trips at peak hours alone. And the peer review study by PSI, a frequent DDOT contractor, stated that the PUD will result in more than 4000 additional trips on area streets. As you heard earlier, many of these streets are narrow, local streets which have been recognized as having an existing cut-through traffic problem. And DDOT in another study stated that Wisconsin Avenue was at and over capacity already, so additional traffic congestion on this arterial will divert more traffic to neighborhood streets.

Fourth, Giant's traffic management plan is makeweight. They propose fixing some signs and repainting crosswalks, which are simply a repeat of the safety recommendations in DDOT's Wisconsin Avenue Corridor Study – which you have heard explicitly did not contemplate upzoning and redevelopment at this PUD site. Other suggestions are the same as recommended at the Whitman-Walker mixed use development,¹ bike racks and one-time Metro cards, but that development does not include a supermarket, will have fewer residences and is less than two blocks from the Metro. Even the suggestion that bicycle racks will mitigate traffic is undercut by DDOT's own research. DDOT's Bicycle Master Plan uses a "scientifically calibrated bicycle level of service model", somewhat analogous to intersection LOS, classifies Wisconsin Avenue near the PUD site and Macomb south of the PUD site as having "E" LOS for bikes, meaning that such streets are not considered attractive or comfortable for bicycle users. If the closest arterial access and the closest collector access to the PUD are rated LOS E by DDOT and therefore not viewed as attractive or comfortable for bicyclists, how can Applicant and DDOT view them as mitigators of traffic and part of the Traffic Management Plan.

Giant's other idea, to set up a \$100,000 traffic calming escrow, not only ignores the Comprehensive Plan's command that a plan be established before the PUD is approved, but it is inadequate on its face. Based on DDOT's prior analyses, it might be enough to calm traffic volume and speed on one street. But at least seven local streets, not to mention other collector streets, radiate out from the PUD site, and calming the impact of 4000 additional vehicles a day is a daunting task. It's not surprising that the ANC's condition requires a \$500,000 escrow.

Fifth, the PUD is not neighborhood-oriented retail. It is more like destination retail, or at least like a multi-neighborhood center. What exists today on the north block of the site is vibrant, neighborhood-oriented retail: a barber, a hair salon, dry cleaners, a laundromat, a toy store, an art supply store, a coffee shop, a furniture and design store, a yoga space, a dance

¹ Whitman-Walker site will contain between 130 - 140 residential units, in addition to 18,000 square feet of retail

studio and several other small businesses. By contrast, what does Applicant's own submission show as indicative retail? A Pottery Barn and Godiva Chocolates, the type of retail found in a destination shopping area like Tyson's Corner or Friendship Heights. StreetWorks has impressive experience on paper, but it all seems to be in destination retail and town center developments like Bethesda Row. It is not surprising, then, that they exhibit little understanding of a neighborhood-oriented commercial center.

Sixth, the PUD application offers no amenities that can be given weight by the Zoning Commission, much less public benefits and amenities that are "significantly greater" than would result from matter-of-right development and that are proportional to the zoning changes that the applicant requests.

Affordable Housing? After prodding by the Commission, the applicant increased the affordable housing component of the multi-family housing units from 8 to 10 percent, barely meeting the minimum regulatory requirements that are expected to take effect in the summer of 2009. Yet there is still much less to applicant's affordable housing element than meets the eye:

- Applicant commits to keeping the rents affordable for only 15 years.
- The Washington Interfaith Network said that applicant's "affordable housing" component is lightweight and recommended an amount closer to 30%.
- Applicant has provided no commitments about where the "affordable housing" units will be located (e.g., on lower versus upper floors of the north block building, or on the south block building adjacent to the supermarket compressors). Are any of the single family townhouses on Idaho Avenue to be "affordable housing"? Applicant doesn't say.
- Applicant is also using the provision of those units to claim greater density, from 60% lot occupancy to 75%. Zoning Commission precedent is that a developer may not double count in this manner. So it is especially presumptuous for applicant to argue that the paltry amount of affordable housing is both an amenity and an entitlement to bonus density.

Green Development? An environmentally-sustainable development which incorporates green building practices. Both Douglas Horne, a recognized authority on environmentally sensitive development, and ANC Commissioner Nancy MacWood have pointed out in separate letters to the Commission the lack of green design elements in applicant's plans. Moreover, applicant has failed to show that this claimed "amenity" is significantly greater than what the applicant could do under matter-of-right zoning. In fact, the applicant has made contradictory claims: that it is a leader in this kind of development at

all its new stores but that, on the other hand, it wouldn't have done this under matter-of-right development.

A first source employment agreement? This should be part of any large new matter-of-right project in the District.

A revitalized shopping center with a state-of-the-art supermarket? Is the applicant saying that if the supermarket were being built within matter-of-right restrictions, it would not be a new, state-of-the-art project? This is belied by applicant's earlier positions.

- In the agreement between the applicant, the Cleveland Park Citizens Association and the Office of Planning in 2002, Giant contemplated building a new supermarket under matter-of-right zoning.
- And in 2006, Giant presented to the community a more modest PUD that contained a state-the-art supermarket yet respected the Comprehensive Plan.

Moreover, the community surrounding the PUD is hardly bereft of grocery stores, with at least 8 supermarkets within 1.5 miles of the proposed, so the proposed supermarket is hardly a singular economic amenity in an area that is underserved by retail. Applicant's other argument, that the revitalized shopping area is an "amenity" also rings hollow. In fact, there will be less non-grocery retail space in the PUD than existed on the north and south blocks 10 years ago, before applicant terminated the leases of existing tenants. It will not be a clear benefit if applicant replaces the vital, neighborhood-serving businesses – and long-term, stable tenants – that currently occupy the north block with other retailers paying higher rents, such Pottery Barn and Godiva Chocolates, the indicative retailers shown in Applicant's own submission, which are more characteristic of a regional or "destination" mall than a neighborhood shopping area

30 Parking Spaces for Non-PUD Users? Applicant claims the provision of 30 parking spaces to be used both by customers of retail outside the PUD and for neighborhood residents, as an amenity . Giant currently provides 40 spaces that are marked for these purposes, and hundreds are in fact used for these purposes. As you have seen in testimony and video provided by the Wisconsin Newark Neighborhood Coalition, Giant's lot is typically full in the evening mostly with off-premise customers. And in fact in its original submission Giant stated that the parking garage would be open to all, so if anything, Giant is backtracking on this "amenity." Moreover, Applicant seeks relief to provide substantially less commercial parking than zoning regulations require, a deficit that outweighs the 30 spaces it now offers up. So Applicant's 30 spots is hardly an amenity compared to what is required under matter of right zoning. And while I don't contend that it is Giant's

responsibility to park the world, where is the parking benefit that compensates for the resulting burden when all the cars that currently use the lot are flushed onto the neighborhood streets?

Reflecting on earlier testimony, it is striking how few amenities applicant offers, even compared to other, smaller PUDs.

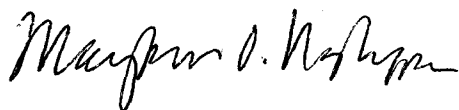
- A witness for Ward 3 vision say that mixed-use projects provide an opportunity for community gathering space. But where is the community performance space or meeting space that other, often smaller PUDs have included?
- Where is the substantial contribution to local parks, playgrounds or schools that other PUDs which include new residences, offer to offset the burdens that new residents place on local infrastructure?
- Where is the community green space? Surely it is not the berm intended to screen the loading dock or the roof garden open only to PUD residents?

So in the end Applicant falls back on saying that the PUD itself is the PUD amenity. But attributes designed to commercially market its development to tenants and customers are hardly qualifying amenities. As noted before, much as the community desires a new supermarket, the area is hardly underserved by grocery stores – in contrast to some other parts of our city – and in any event applicant has not met its burden of showing what amenities are superior to what could be done under matter of right zoning. The Northwest Current recently reported that members of the Commission commented in another case, the PUD at the former hospital site on MacArthur Boulevard, that the amenities package seemed light. In comparison with that more modest project, what is offered here is lighter than air.

In short, the Applicant has failed to meet its burden of proving that the PUD's rather routine, predictable claimed benefits and amenities meet the legal requirements. Meanwhile, as described above, it seeks huge zoning changes, the destruction of the overlay, and the right to provide less parking than is called for by the zoning regulations.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "MaryAnn O. Nash".

MaryAnn O. Nash
3456 Newark Street, N.W.
Washington, DC 20016