



Pillsbury Winthrop Shaw Pittman LLP
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October 9, 2009

Hand Delivered

Mr. Anthony Hood, Chairperson
D.C. Zoning Commission
Office of Zoning
441 4th Street N.W., Suite 200S
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING
2009 OCT -9 PM 2:04

Re: Recommendations for Revisions to Condition 8(b) – Off-Peak Hours

Dear Chairperson Hood and Members of the Commission:

At its October 1, 2009 public meeting, the Zoning Commission requested that the Wisconsin-Newark Neighborhood Coalition (“WNNC”) and the Applicant try to reach an accommodation on the definition of “off-peak” hours for use of the parking structure by the neighborhood pursuant to Condition No. 8b of Zoning Commission Order No. 08-15.

The Applicant proposed a definition to WNNC and the other parties to the case on October 6. On October 8, the Applicant received a response from WNNC, carefully considered its comments and suggestions, and revised the proposed definition to incorporate as many of WNNC’s recommendations as practicable. Copies of the Applicant’s correspondence to the parties are attached to this letter.

However, the parties were not able to reach full consensus. The Applicant hereby submits its proposed revised condition for the Commission’s consideration.

Original Condition

- 8.b. The Project shall make at least 30 spaces in the South Parcel garage available during off-peak hours for users of existing neighborhood restaurants and overnight parking for the surrounding community;

ZONING COMMISSION
District of Columbia
CASE NO. 08.15
401499824
ZONING COMMISSION
District of Columbia
EXHIBIT NO. 292
CASE NO. 08-15
EXHIBIT NO. 292

Mr. Anthony Hood, Chairperson
October 9, 2009
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Proposed Revised Condition

- 8.b. The Project shall make available, at no charge, parking spaces in the South Parcel garage as follows:
- i. At least 30 spaces shall be made available for patrons of neighborhood restaurants and other retail uses that are not part of this PUD on a first-come, first-served basis from 7:00 PM to 1:00 AM; and
 - ii. At least 30 spaces shall be made available for overnight parking for the surrounding community not part of this PUD from 9:00 PM to 8:00 AM.

We look forward to the Commission's consideration of this matter at the October 19, 2009 public meeting, and appreciate the Commission's attention to this request.

Sincerely yours,


David Avitabile

Enclosures

cc: Lucy Wildrick, Street-Works, LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2009 a copy of the foregoing was sent via hand delivery to the following:

Maxine Brown-Roberts
D.C. Office of Planning
2000 14th Street, NW, 4th Floor
Washington, DC 20009

Cleveland Park Citizens Association
c/o John Chelen, President
3411 30th Street, NW
Washington, DC 20008

Jeff Jennings
District Department of Transportation
2000 14th Street, NW, 6th Floor
Washington, DC 20009

3300 Idaho
c/o Thomas J. Haines
3315 Idaho Avenue, NW
Washington, DC 20016

Anne Marie Bairstow, Chair, ANC 3C
2802 27th Street, NW
Washington, DC 20008

Immediate Macomb Street Neighbors
c/o Frances A. Sclafani
3815 Macomb Street, NW
Washington, DC 20016

Trudy Reeves, ANC 3C06
3816 Porter St. NW
Washington, DC 20016

Wisconsin-Newark Neighborhood Coalition
c/o John O'Sullivan
3410 Newark Street, NW
Washington, DC 20016

Advocates of Wisconsin Avenue
Renewal
c/o Jeffrey S. Davis
3409 Newark Street, NW
Washington, DC 20016

Ordway Street Neighbors Association
c/o David Isaacs
3610 Ordway Street, NW
Washington, DC 20016



David Avitabile



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Phil Feola
tel 202.663.8789
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RECEIVED
D.C. OFFICE OF ZONING

October 6, 2009

Via Email & Hand Delivery

Wisconsin-Newark Neighborhood
Coalition
c/o John O'Sullivan
3410 Newark Street, NW
Washington, DC 20016

3300 Idaho
c/o Thomas J. Haines
3315 Idaho Avenue, NW
Washington, DC 20016

Anne Marie Bairstow, Chair, ANC 3C
2802 27th Street, NW
Washington, DC 20008

Immediate Macomb Street Neighbors
c/o Frances A. Sclafani
3815 Macomb Street, NW
Washington, DC 20016

Trudy Reeves, ANC 3C06
3816 Porter St. NW
Washington, DC 20016

Ordway Street Neighbors Association
c/o David Isaacs
3610 Ordway Street, NW
Washington, DC 20016
(by electronic mail to Dan Hecker)

Cleveland Park Citizens Association
c/o John Chelen, President
(electronic mail only)

Advocates of Wisconsin Avenue Renewal
c/o Jeffrey S. Davis
3409 Newark Street, NW
Washington, DC 20016

Re: Wisconsin Avenue Giant - Off-Peak Hours

Dear Ladies and Gentlemen:

At its October 1, 2009 public meeting the Zoning Commission requested that the Wisconsin-Newark Neighborhood Coalition and the Applicant try to reach an accommodation on the definition of "off-peak" hours for use of the parking structure by the neighborhood pursuant to Condition No. 8b of Zoning Commission Order No. 08-15. The Applicant proposes the following for your consideration.

Original Condition

- 8.b. The Project shall make at least 30 spaces in the South Parcel garage available during off-peak hours for users of existing neighborhood restaurants and overnight parking for the surrounding community;

Proposed Revised Condition

- 8.b. The Project shall make at least 30 spaces in the South Parcel garage available during off-peak hours for users of existing neighborhood restaurants and overnight parking for the surrounding community as follows:
- i. Off-peak hours for users of existing neighborhood restaurants shall be from 7:00 PM to 1:00 AM.
 - ii. Off-peak hours for overnight parking for the surrounding community shall be from 9:00 PM until 7:00 AM on weekdays and 9:00 PM until 8:00 AM on weekends.

We welcome your comments on the proposed definition of off-peak hours. Please note that the Zoning Commission has requested that our positions on this issue be filed not later than this Friday, October 9, 2009.

Sincerely yours,



Phil Feola



David Avitabile

cc: Maxine Brown-Roberts
Jeffrey Jennings
Lucy Wildrick, Street-Works



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2300 N Street, NW | Washington, DC 20037-1122 | tel 202.663.8000 | fax 202.663.8007

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2009 OCT 8 PM 2:20

RECEIVED
D.C. OFFICE OF ZONING

October 8, 2009

Via Email

Wisconsin-Newark Neighborhood
Coalition
c/o John O'Sullivan
3410 Newark Street, NW
Washington, DC 20016

3300 Idaho
c/o Thomas J. Haines
3315 Idaho Avenue, NW
Washington, DC 20016

Anne Marie Bairstow, Chair, ANC 3C
2802 27th Street, NW
Washington, DC 20008

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c/o Frances A. Sclafani
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Trudy Reeves, ANC 3C06
3816 Porter St. NW
Washington, DC 20016

Ordway Street Neighbors Association
c/o David Isaacs
3610 Ordway Street, NW
Washington, DC 20016
(by electronic mail to Dan Hecker)

Cleveland Park Citizens Association
c/o John Chelen, President
(electronic mail only)

Advocates of Wisconsin Avenue Renewal
c/o Jeffrey S. Davis
3409 Newark Street, NW
Washington, DC 20016

Re: Wisconsin Avenue Giant - Off-Peak Hours

Dear Ladies and Gentlemen:

We have received and carefully considered your comments and suggestions. Below please find our revised condition, which incorporates as many of your recommendations as we could:

October 8, 2009

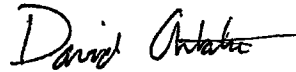
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Proposed Revised Condition

- 8.b. The Project shall make available, at no charge, parking spaces in the South Parcel garage as follows:
- i. At least 30 spaces shall be made available for patrons of neighborhood restaurants and other retail uses that are not part of this PUD on a first-come, first-served basis from 7:00 PM to 1:00 AM; and
 - ii. At least 30 spaces shall be made available for overnight parking for the surrounding community not part of this PUD from 9:00 PM to 8:00 AM.

We respectfully request that you inform us by noon tomorrow (Friday, October 9, 2009) as to whether the proposed changes are mutually acceptable. If so, we will submit a letter to the Zoning Commission indicating the consensus. Please note that the Zoning Commission has requested that our positions on this issue be filed not later than 3:00 PM tomorrow.

Sincerely yours,



David Avitabile

cc: Maxine Brown-Roberts
Jeffrey Jennings
Lucy Wildrick, Street-Works