

Wisconsin Newark Neighborhood Coalition
3410 Newark Street NW
Washington DC 20016

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October 9, 2009

Re: Friendship-Macomb S.C.—ZC Case 08-15

By Hand Delivery

Dear Chairman Hood and Members of the Commission,

As you can see from the Applicant's proposal, which we understand the Applicant is submitting to you, WNNC and the Applicant have reached agreement on many of the issues raised by the applicant's proffered amenity of 30 free community parking spaces in the evening and also 30 free spaces overnight. However, the two parties have failed to agree on the appropriate times that constitute the "off-peak" hours that this amenity will be available to the community.

WNNC proposes the following substitute for existing Condition 8.b:

- 8.b. *The Project shall make at least 30 spaces in the South Parcel garage available during off-peak hours for patrons of neighborhood restaurants and other retail not part of the PUD; and at least 30 spaces in the South Parcel garage available during off-peak hours for overnight parking for the surrounding community not part of the PUD, in each case on a first-come, first-served basis at no charge. For the purposes of this provision,*
- i. *Off-peak hours for patrons of non-PUD neighborhood restaurants and other commercial uses shall be from 6:00 PM to 1:00 AM.*
 - ii. *Off-peak hours for overnight parking for the surrounding community shall be from 6:00 PM until 9:00 AM on weekdays and 6:00 PM until 9:30 AM on weekends and holidays.*

Our correspondence with the Applicant's counsel transmitting this proposal is attached.

Using 6:00 PM as the starting time for off-peak uses is consistent with assurances that the Applicant provided to the ANC in its submittal dated January 16, 2009, which stated, "After 6 PM, those parking spaces will not be needed for their primary daytime use and will be freed up and available for secondary use by one of the likely nighttime users." (Applicant's letter, p. 7; emphasis by the Applicant.) It is also consistent with actual neighborhood experience showing that evening and overnight parking pressures begin at least by 6:00 PM.

Allowing the overnight parkers to remain until 9:30 AM, if they so choose, will not inconvenience the Applicant since it is highly unlikely that the 388 South Parcel garage spaces allocated for shared parking for commercial users will all be occupied before 9:30 AM.

If the Commission is unable to adopt WNNC's proposed Condition 8.b., we urge that the Commission hold a brief hearing on the "off-peak" issue.



John O'Sullivan
Wisconsin Newark Neighborhood Coalition

ZONING COMMISSION
District of Columbia
ZONING COMMISSION
District of Columbia
CASE NO. 08-15
EXHIBIT NO. 293

Phil Feola
David Avitabile
Pillsbury Winthrop Shaw Pittman LLP
2300 N St. NW
Washington, DC 20037

**Re: Wisconsin Avenue South Parcel parking - Off-Peak Hours
Position of the Wisconsin-Newark Neighborhood Coalition**

Gentlemen:

We have received and reviewed your proposed definition of off-peak hours for the purposes of specifying what parking benefit will be available to non-PUD parkers and overnight parkers. We think we are close, but that a few modifications are in order.

First, we think it should be clear that, as provided in Finding of Fact, Public Benefits Proffered, 60.f., these are two separate blocks of at least 30 spaces each with some time overlap. (That paragraph states as follows: "The Applicant will set aside at least 30 parking spaces in the South Parcel garage during off-peak hours for use by patrons of neighborhood restaurants and other retail uses. *In addition*, the Applicant will make available 30 spaces as overnight parking for community residents." Emphasis added.) The catch-all language in ordering Condition 16 that you have asked the Commission to eliminate would have captured this language in FF 60.f. Without that incorporation by reference, it becomes necessary to spell out these provisions in the ordering paragraph. By the same token, it should be clear that there will be no charge for this parking per applicant's offer in its October 2008 submission, Exhibit E, Parking Management Plan, No. 3.

Second, on the same basis, the language "patrons of neighborhood restaurants and other retail uses [not part of the PUD]" in 60.f. should be spelled out, replacing "existing neighborhood restaurants." The broader language is taken verbatim from the applicant's proffered Parking Management Plan, No. 3. Also, it was clearly the intent of the Commission that these spaces benefit Macomb-Wisconsin businesses and reduce demand for parking on residential streets by their patrons; and that they would not be shared with patrons of new restaurants within the PUD (which we think explains the reference to "existing" restaurants). This should be explicit.

Third, the applicant has stated that traffic and parking for the grocery store and PUD retail would peak during the day and decline by 6 PM. This hour is consistent with the time that the nearby restaurants begin to fill, often with families, so we think the starting time for the spaces for restaurants and other commercial uses should be 6 PM.

Finally, with regard to the community parking, having only 30 spaces for non-PUD restaurants and other commercial uses will represent a huge reduction from current use, leading to a substantial increase in visitor parking on surrounding streets, which in turn will make overnight parking for local residents more difficult. This would be somewhat mitigated if the overnight parking began at 6, which your witness identified as the beginning of reduced grocery store parking, rather than 9. Also, we think it is unreasonable to expect that from 7 to 9 AM on weekdays and 8 to 9:30 AM on Saturday and Sunday and holiday mornings will be peak hours. We're sure that at least some of the neighbors leaving their cars there overnight would in fact be out by 7/8, but that others will appreciate an additional hour or so to clear out, without any burden or disadvantage to the PUD retail.

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 patrons of neighborhood restaurants and other retail not part of the PUD; and at least 30 spaces in the South Parcel garage available during off-peak hours for overnight parking for the surrounding community not part of the PUD, in each case on a first-come, first-served basis at no charge. For the purposes of this provision,
- i. Off-peak hours for patrons of non-PUD neighborhood restaurants and other commercial uses shall be from 6:00 PM to 1:00 AM.
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