

2008-11-15 15:00

11/15/2008 15:00

**WISCONSIN-NEWARK NEIGHBORHOOD COALITION
3300 BLOCK OF IDAHO PARTY**

**Re: ZC Case #08-15, Friendship Shopping Center Map
Amendment and Planned Unit Development**

Dear Chairman Hood,

We were dismayed to realize at the last hearing that the Commission was unaware of our efforts over a long period of time to try to raise and resolve issues with the developers (I use this term deliberately, because most of us have never had an opportunity to talk to anyone from Giant, Stop & Shop, or Royal Ahold). It is simply not the case that we have been intransigent or slow to identify our concerns. The reverse is true -- as we were raising concerns about how to get a new, larger grocery store while preserving a low-density, neighborhood-serving, retail center, the project was going in the opposite direction, getting bigger, generating more traffic, incorporating loading through the Macomb Street alley, adding two floors of apartments in the north block, moving the access to the Giant loading facilities *closer* to the existing homes on Idaho, etc. Rather than working with us to come together to address these concerns, with each iteration the developers aggravated the problems. And unfortunately, much of this was abetted if not encouraged by the Office of Planning and the Department of Transportation.

Below is a brief history that should give you a sense of the efforts to cooperate with the overall aim of improving the grocery store while stressing the importance of better site design, infrastructure planning, and respect for maintaining the relevant uses important to the neighborhood.

The Substantial Growth -- in Size and Complexity -- of the Proposed PUD

The details of this PUD were revealed in full only when the applicant filed in May 2008. Prior to that the neighborhood had been shown schemata of elevations that bear no resemblance to the current plans and site plans that were well received in their original form. Attached is a rendering of the first site plan shown to the community at a public meeting organized by ANC 3C and CPCA in December 2006.

As you can see, unlike most PUDs, this one *grew substantially* in size and complexity (both in the ways identified in the first paragraph and in others) after the neighborhood resoundingly gave the original plan its support at the December 2006 meeting.

Issues Raised by the Community were Ignored by the Applicant

In June 2008 the applicant held a public meeting to present the application. The meeting was noisy as angry residents asked question after question about parking and traffic. The meeting adjourned before any other topics could be raised, but it became increasingly apparent as the project was described that program had replaced sensible planning for the infrastructure needs of a neighborhood shopping center that now had a large residential

component. The reality of how much increased traffic would be generated by the larger grocery store began to sink in and other aspects of the project were examined more closely as plans became available.

The Ordway Street neighbors to the east of the project contacted the Council and the ANC about their concerns. The Idaho Avenue neighbors to the west of the project met with their ANC commissioner and requested meetings with StreetWorks. Three ANC commissioners had already gone to the Office of Planning requesting help to reduce the housing component and increase the parking supply. They also met several times with DDOT. Both OP and DDOT were asked to meet with the neighborhood at public meetings and at each meeting the agencies withdrew any earlier reservations about density and impacts.

StreetWorks attended an SMD meeting for the neighbors east of Wisconsin Avenue and a Cleveland Park Citizens Association meeting. At each of these meetings, concerns about the size of the store and its draw, the lack of parking, the loading configuration, and the desire to maintain the overlay were repeatedly raised. There was never any positive response to any neighborhood concern with one exception -- the Idaho Ave. loading dock driveway on the South Block was moved 70 feet.

Applicant's Refusals to Negotiate to address Community Concerns

The residents with concerns decided to ask the applicant to meet with them as a group to try to resolve the issues that had gone unaddressed since the first submission in May 2008. Mr. Heapes had assured us that all our issues would be considered and taken back to the applicant. At that meeting in mid-January 2009, counsel for the applicant and StreetWorks principal Lucy Wildrick announced that many of the issues were non-negotiable. She promised to review with the applicant only the overlay issues and provide information about what they needed to preserve the overlay (including consideration of a more limited increase in the number or square footage of restaurants); and to review an alternative design for loading provided by the Idaho Avenue residents. There was no response from StreetWorks or the applicant until the day after the first Zoning Commission hearing, and that response was that they would not negotiate on any issue.

After the last Zoning Commission hearing, most of the parties in opposition agreed to try again. A letter was sent to counsel for the applicant requesting a meeting to discuss the neighborhood concerns and attempt to resolve them. Last week each party received a letter from counsel stating purporting to address the issues and concluding that there was no point to such a meeting. Copies of the two letters are attached.

The Framework for a Fair and Equitable Resolution

We believe that this should not be applicant's bottom line position. Indeed, it is remarkable how Giant's own 2006 plan presented to the community addressed many of the issues that the opponent parties have had to raise in the contested hearing, and

contained several of the compromise elements presented by Mr. Pickman of the Wisconsin-Newark Neighborhood Coalition in his testimony on May 4, 2009. Giant's 2006 plan included a new grocery store of comparable size to the PUD application; other south block retail; 11 townhouses in the south block that respected the residential zone along Idaho Avenue; and two floors of residential units above one floor of retail on the north block site. The south block was to be served by a single loading ramp from Newark Street located near Idaho, not by a ramp through the residential zone near existing homes on Idaho. The narrow Macomb Street alley was not to be utilized for loading. Moreover, the 2006 plan reflected a design that mitigated other impacts on surrounding properties. For example, the proposed north block building was set back at Idaho and Wisconsin, to respect the similar set back at Vaughan Place and to avoid shadowing properties on Norton Place, Ordway Street and the east side of Wisconsin in the Cleveland Park Historic District.

What we ask the Commission to do

We understand that the applicant knows that there is strong support for a better grocery store and that we share that desire. But we think it is unreasonable that they are using that support to ignore the weaknesses of this project that will result in long-term impacts on our quality of life (to say nothing of the fact that much of it is not consistent with the Comprehensive Plan). It still seems unreasonable to us that we have to accept StreetWorks' "take it or leave it" town center destination in our community in order to have a better-functioning grocery store. While Giant's 2006 plan met with widespread support in the community, no one asked for applicant's current overreaching proposal, which has divided the community rather than achieved any consensus. We ask the Zoning Commission to direct the applicant to address our concerns and, if unsuccessful, to provide in your final order for appropriate modifications.

Respectfully submitted,



John O'Sullivan

On behalf of the Wisconsin-Newark Neighborhood
Coalition and the 3300 Block of Idaho party

May 20, 2009

Attachments:

- (1) 2006 Giant site plan, with numbers and caption added
- (2) May 7, 2009 letter to Mr. Feola from CPCA, Ordway neighbors, 3300 Idaho group, and WNNC
- (3) May 14, 2009 letter from Mr. Feola

GIANT'S PLAN PRESENTED AT MEETINGS WITH THE COMMUNITY IN 2006 INCLUDED A NEW GROCERY STORE (51,000 S.F.) (A), 11 TOWNHOUSES IN THE RESIDENTIAL ZONE ALONG IDAHO AVENUE (B), OTHER RETAIL ON SOUTH BLOCK (C), 2 FLOORS OF RESIDENTIAL (YELLOW) ABOVE ONE FLOOR OF RETAIL (RED) ON THE NORTH BLOCK (D). NORTH BLOCK BUILDING WAS SET BACK AT IDAHO AND WISCONSIN (E), TO RESPECT SIMILAR SET BACK OF VAUGHAN PLACE (F) AND TO AVOID SHADOWING NORTON PLACE AND ORDWAY STREET IN CLEVELAND PARK HISTORIC DISTRICT (G). SOUTH BLOCK WAS SERVED BY SINGLE LOADING RAMP FROM NEWARK STREET NEAR IDAHO (H), NOT THROUGH RESIDENTIAL ZONE NEAR EXISTING HOMES ON IDAHO. THE NARROW MACOMB STREET ALLEY WAS NOT UTILIZED FOR LOADING (I).



John B. O'Sullivan
3410 Newark Street NW
Washington DC 20016

PH 202 974-5610

e-mail josullivanlaw@gmail.com

FAX 202 974-6710

May 7, 2009

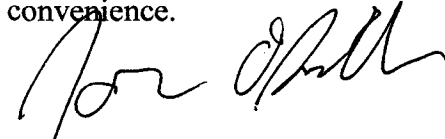
Friendship-Macomb SC Inc.
c/o Philip Feola, Esq
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street NW
Washington DC 20037

Dear Mr. Feola,

In view of the Zoning Commissioners' comments on May 4 in case 08-15, we would like to meet with you and the Applicant as soon as possible to resolve the issues raised by Mr. Pickman and others. All these points have been raised with the Applicant in the past, and now is the time for constructive discussions to address them. A copy of Mr. Pickman's testimony is attached.

We are eager to help Friendship-Macomb SC, Inc. move forward with redevelopment of the Giant. Our goal is to return to the Commission on May 20 and announce an amicable resolution that will allow timely permitting of the project. We hope you will agree to work with us in good faith through mutual cooperation.

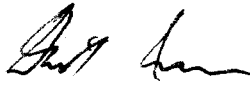
Please contact me to schedule a meeting. We will make every effort to meet at your convenience.



John O'Sullivan
WNNC



George Idelson
CPCA



David Isaacs
Ordway Neighbors



Philip Montalto
3300 Idaho



Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW | Washington, DC 20037-1122 | tel 202.663.8000 | fax 202.663.8007

Phil Feola
tel 202.663.8789
phil.feola@pillsburylaw.com

May 14, 2009

Hand Delivered

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

Re: Zoning Commission Case No. 08-15

Dear John:

Thank you for your invitation to meet and discuss your groups' outstanding issues related to the proposed redevelopment of the Friendship Shopping Center. Throughout the multi-year planning process that guided the form of the proposed PUD, the Applicant has considered all recommendations and criticisms from surrounding stakeholders – including the issues your organization and other parties in opposition have raised. In many instances, we have made positive and responsive modifications to the project. In other instances, however, proposed modifications are not feasible. Although our team has addressed the suggestions contained in Mr. James Pickman's testimony to the Zoning Commission previously, we have revisited them since the last hearing. Our position, however, essentially remains the same.

The following summarizes the Applicant's position with regard to these issues.

1. Loading

It is structurally, operationally, and physically infeasible to locate the grocery loading dock on, or close to, Newark Street NW. The proposed location along Idaho Avenue permits grocery loading operation to take place in a safe and efficient manner. Notwithstanding the collective opinions of the opponents to the contrary, we also believe that the proposed secondary loading area off Macomb Street will accommodate the remaining loading needs for the South Parcel improvements.

2. Reduction of Residential Units and Parking

As also previously explained, the construction of the project will simply not be feasible without the full proposed multi-family residential component.

Further, the proposed amount of parking will adequately accommodate the anticipated parking demand for the project and provide for some relief to the existing parking problems in the area. As it has in the past, the Applicant will continue to evaluate its ability to accommodate additional neighborhood parking demand with its parking supply once the project is constructed and operational.

3. Traffic

We also believe that your concerns about other traffic impacts are unwarranted. Again, our traffic studies show that traffic impacts will be mitigated through the proposed traffic light and signal timing adjustments. At the Department of Transportation's ("DDOT") request, we have also agreed to replace existing temporary improvements at the intersection of Wisconsin Avenue and Ordway Street with permanent curb and gutter improvements. Our studies, which are supported by DDOT, show that there is no need for additional traffic calming improvements on neighborhood streets as a result of our project. Nevertheless, we have agreed to provide an additional \$100,000 escrow account to mitigate unanticipated future impacts on neighborhood streets.

4. Neighborhood Center

We disagree with the assertion that the proposed development will transform the area into a "restaurant/entertainment" district. Quite simply, the minimal relief from the existing limit on eating establishments will not have the impact the opponents have suggested. It is important to understand that the relief from MW Overlay limit on eating establishments is required not just to permit sit-down restaurants, but also to permit smaller institutions such as coffee shops, ice cream parlors, and sandwich shops in the PUD. Absent such relief, the PUD could never contain uses like Shemali's, Starbucks, or an ice-cream store – the types of neighborhood uses that enhance and enliven a neighborhood commercial center.

Conclusion

Thus, we do not believe that further discussion on the issues you have raised is warranted at this time. Many of your suggested changes would jeopardize the ability of the Applicant to construct a successful project and while we continue to remain open to reasonable suggestions and critiques, we need to insure that if a PUD is

John O'Sullivan, Esquire
May 14, 2009
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approved, it can be delivered. The Applicant will continue to solicit community feedback and comment throughout the remainder of the zoning process and, if approved, through the project's construction and operation.

Sincerely yours,



Phil Feola



David Avitabile

cc: George Idelson, CPCA
David Isaacs, Ordway Neighbors
Philip Montalto, 3300 Idaho
Lucy Wildrick