Jonathan Bender

From: Marilyn Simon <mjsimon524@yahoo.com>
Sent: Thursday, May 4, 2023 7:34 PM
To: Jon Bender; Tom Quinn; Marilyn J. Simon
Subject: Chevy Chase Pavilion,ZC 85-16B, Modification of Consequence

The modification of the language of this PUD, as presented by the Applicant, is not consistent with the proposal as presented to the community and included in this Application. As explained below, in order to modify the project to accommodate a grocery store on the street level, the Applicant needs flexibility with respect to the limitation on the FAR calculated excluding the public passageways, which is not to exceed 4.85. The Applicant does not need an increase in total FAR.

From the drawings, it appears as though the Applicants will have an FAR exclusive of public passageways of at least 4.929, assuming they will restore the second floor passageways. According to the presentation, the Applicant is not proposing to change the total FAR, which is not to exceed 5.175.

Yet the language proposed by the Applicant would increase the total allowable FAR, but not the FAR calculated excluding the public passageways. The request for a PUD modification should address the FAR exclusive of public passageways, and not the total FAR.

I would also like to emphasize that the proposed change in public passageways will have a large impact on how many residents, shoppers and workers in the neighborhood use Chevy Chase Pavilion, for example entering near the Cheesecake Factory, and going to the Metro, or to the Military Road exit, frequently patronizing stores and restaurants while cutting through. This was important in the original PUD, and should only be allowed if it would bring a supermarket to the site, and would not be necessary for any other type of anchor tenant, which can be on multiple levels as prior anchor tenants such as H&M and Pottery Barn have been.

Description of PUD conditions and Modification Request:

The original PUD has two constraints on FAR: (1) The FAR using the standard calculation is not to exceed 5.175, and (2) The FAR calculated excluding the public passageways is not to exceed 4.85.

To accommodate a grocery store on the street level, the Applicant is proposing to reduce the public corridors on the street level by 5,615 SF, most of which would become part of the grocery store.

Calculation of Total FAR and FAR excluding public passageways, and current compliance:

If the grocery store was developed as proposed, there would be no change in the total FAR, but, as shown below, there would be in increase in the FAR calculated excluding the public passageways. Yet, the language presented by the applicants is to allow an increase first calculation (the total FAR), but no change in the second calculation (the FAR excluding the public passageways.)

Errors in table FAR calculations: In reviewing the Application, I noticed a couple errors in the 1986 submission of FAR calculations (Exhibit 70 original PUD).

(1) Typo is table: There was a typo in the total floor area. The submission shows a floor area of 439,603.91 SF, but the sum of the floor areas for each use is actually 489,603.91 SF. With a floor area of 489,603.91 SF and a land area of 95,656 SF, the total FAR is 5.12, and is consistent with the condition on total FAR.

(2) Error in calculating public passageways included in original FAR calculation: When listing the floor area to be deducted in the second calculation, the Applicant included the atrium area in the Metro level along with the public passageways on the street level and second level. The area in the Metro level should not have been deducted for this calculation, since none of the Metro level was included in the FAR calculation.

The Applicant deducted 31,129.95 from the total floor area, when they should have only deducted 23,766.91 (the public passageways on the street and second levels that were included in the total FAR calculation). With a floor area net of public passageways of 465,837 SF and a land area of 95,656 SF, the original FAR net of public passageways was 4.87 (slightly higher than the 4.85 allowed in the original PUD).

Changes in public passageways: Subsequently some of the public passageways on the second level were eliminated with renovations for Steinmart and then Range. There is no public information available on that reduction in the public passageways, so we cannot calculate the current FAR net of public passageways.

Calculation of flexibility required in FAR exclusive of public passageways for street level grocer: If, however, the public passageways on the second level were restored, there would be an increase in the FAR net of public passageways. The Applicant is seeking to modify the street level configuration to reduce the public passageways by 5,615 SF, with no change in total FAR. With this modification to the street level, the square footage excluding public passageways increases from 465,837 SF (assuming the second floor passageway is restored) to 471,452 SF. With a land area of 95,656, this would be an FAR (exclusive of public passageways) of 4.929. This would require a 1.6% increase in the allowable FAR exclusive of public passageways. Again, the addition of this grocery does not require any increase in the total allowable FAR.

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