ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS
WAKEFIELD CHEVY CHASE FORT GAINES
c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015
www.anc3e.org

Resolution Regarding Application for Modification of Consequence in Zoning Commission Case 85-16F/84-20P

Whereas, CLPF-CC Pavilion, L.P. (the applicant) owns the Chevy Chase Pavilion (the Pavilion) at 5335 Wisconsin Avenue NW and filed an application with the Zoning Commission (ZC) for a Modification of Consequence on or about March 17, 2023;

Whereas, the Pavilion was approved by the ZC in 1987 as a Planned Unit Development after a lengthy and contentious public approval process. Among the required and binding components of the original approval was an interior atrium, a specific Floor to Area Ratio (FAR) and exterior design components. ANC 3E was a party when the case was heard;

Whereas, the instant application seeks to modify the FAR of the project from the current 5.175 by up to 2%. The applicant has advised the ANC both in private correspondence and at its February 9, 2023 public meeting that it is seeking this modification of the FAR to enable it to expand the retail footprint of one of the street level retail bays on Wisconsin Avenue into the interior atrium *solely* to accommodate a boutique grocery store;

Whereas, in concert with the foregoing, the applicant also seeks the flexibility to relocate retail entrances on the Wisconsin Avenue frontage of the building which would be a change from the filed and approved plans in the original PUD;

Whereas, the applicant also seeks to create an entrance for the office component of the project that is separate from the most of the mall;

Whereas, a representative from the applicant agreed to a request at an ANC 3E meeting to specify in its application that it would not implement the relief sought until and unless it leased a boutique grocery store for the space, but the application filed does not incorporate this condition;

Whereas, the proposed changes to the interior atrium would prevent circulation through most of the Wisconsin Avenue level of the mall, and thus would represent a substantial change to the design and functionality of this retail center, both of which were considered amenities when the PUD was approved,

Whereas, ANC 3E believes the relief sought constitutes a modification of significance requiring a hearing but is willing to support the relief sought without a hearing provided certain conditions are attached to the pertinent order,

Whereas, the ANC believes that a boutique grocery store (applicant has identified a particular store to the ANC but asked the ANC not to reveal it) would provide sufficient benefits to constituents, both directly and, by catalyzing growth in other tenancies at the mall likely to be attractive to constituents, indirectly, to justify the material changes to the mall's functioning sought by applicant;

Whereas, by contrast, were the applicant to make the changes sought but then to use the space for some other tenant, it is possible, and perhaps likely, that the benefits of such a change would not outweigh the destruction of circulation through the atrium on the main level of the mall that would result,

Now therefore be it resolved, ANC 3E supports the changes to the FAR of the project, the alterations to the ground level of the atrium, and the proposed exterior modifications, ***provided*** *that:*

> The changes are consistent with the architectural renderings submitted to the ZC as part of the instant application,
>
> *and*
>
> The order in this matter contains a condition making the grant of all relief sought by the applicant contingent on the applicant first executing a lease with a boutique grocer to occupy the new large space on Wisconsin Avenue that would be created, and providing that this modification be nullified if such a lease is not executed within one year of approval of the application;

Be it further resolved, the applicant has, in writing, pledged to vigorously monitor all illegal parking on its Wisconsin Avenue and Military Road frontage and use its staff to discourage such illegal parking and to also work with both the District's Department of Public Works and Metropolitan Police Department as well as the Friendship Heights Alliance to ameliorate any illegal parking adjacent to the Pavilion. If the applicant does not honor the spirit of this agreement the ANC will consider this a breach of trust and seek all available relief.

Be it further resolved, ANC 3E authorizes Commissioners Jonathan Bender and Tom Quinn to testify or submit or reply to any filings on behalf of the ANC at any proceedings connected to the above-referenced application.

ANC 3E approved this resolution at its meeting on April 13, 2023, which was properly noticed and at which a quorum was present. The resolution was approved by a vote of 8-0-0. Commissioners Jonathan Bender, Diego Carney, Matthew Cohen, Jeffrey Denny, Ali Gianinno Rohin Ghosh, Amy Hall and Tom Quinn were present.

Jonathan Bender

Digitally signed by Jonathan Bender
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ANC 3E
By Jonathan Bender, Chairperson