ADVISORY NEIGHBORHOOD COMMISSION 3E
TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS
WAKEFIELD CHEVY CHASE FORT GAINES
c/o Lisner Home 5425 Western Avenue, NW Washington, DC 20015

May 4, 2023

District of Columbia Zoning Commission
441 4th Street NW, Suite 200S
Washington DC 20001

Re: ZC Case 85-16/84-20P, also styled as ZC Case 85-16B, Chevy Chase Pavilion

Members of the Zoning Commission:

At its properly noticed public meeting on April 13, 2023 ANC 3E passed the attached resolution supporting the relief the applicant seeks **provided that:**

> 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.

The relief sought would drastically alter the functioning of the Pavilion, eliminating 360-degree circulation around the dramatic atrium that was proffered as a key amenity of the PUD pursuant to which the Pavilion was built.

The ANC was willing to support such a change only to the extent a grocery store, which the ANC believes the neighborhood would greatly value, would locate there. Corporate representatives of the applicant in fact represented at an ANC meeting in March that they sought the modification solely to permit a boutique grocery store to locate in the space at issue and would have no use for it otherwise.

Yet, after ANC Commissioners sought formal agreement from the applicant to join the ANC in asking the Zoning Commission ("ZC") to make that use a condition for granting the relief sought, the applicant, at the next ANC meeting (in April), *repudiated its prior representation* and declared that it wanted the relief one way or the other, allegedly because the space was required to attract an anchor tenant.

In point of fact, the building as configured has attracted numerous anchor tenants, and the applicant could not credibly explain why the dramatic reconfiguration it seeks would now be necessary to attract any anchor tenant.

A related concern arose after the April ANC meeting. A constituent raised legitimate questions about whether the FAR calculations the applicant uses are correct. Attached with the resolution to this cover letter is a letter from said constituent outlining her concerns and reasoning. We ask that you add the letter to the file for this matter as an attachment to this cover letter and/or the attached resolution.

Please do not hesitate to contact me if you have questions or if I can be of further assistance.
.

Sincerely,

Jonatha
n Bender

Digitally signed by Jonathan Bender
DN: cn=Jonathan Bender, o, ou, email=jbender@ibusinesslawyer.com, c=US
Date: 2023.05.04 23:18:56 -04'00'

Jonathan Bender, Chair, ANC 3E

Attachments