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Sent: Wednesday, April 10, 2019 3:56 PM

To: jonbender@gmail.com; tomquinn71@gmail.com; mjsimon524@aol.com

Subject: Chevy Chase Pavilion, Compliance with FAR Conditions of ZC 517 (ZC Case 85-16F/84-200, Donohoe PUD)

Re: Chevy Chase Pavilion, Compliance with FAR Conditions of ZC 517 (ZC Case 85-16F/84-200, Donohoe PUD)

I am writing to bring to your attention several current violations of the ZC 517 PUD Order (Donohoe PUD/Chevy Chase Pavilion) all of which would be exacerbated by the current proposal to allow Clarion to convert a significant amount of retail space to medical offices.

(1) In the Decision, paragraph 3, it is stated that the FAR of the project “shall not exceed 4.85, exclusive of the atrium and public passageway areas, as shown and identified on Exhibits No. 23 and 70 of the record.” Exhibit 23 shows the floor plans for the project (including the public passageways). Exhibit 70 has FAR calculations when the public passageway and atrium square footage that otherwise would be included in FAR (23,767 SF on the first and second levels) is excluded from the FAR calculation. When it was first opened, Chevy Chase Pavilion had an FAR (exclusive of the atrium and public passageway areas that would normally be included in the FAR) that reached the cap on the allowable FAR as defined in Decision, Paragraph 3.

In recent renovations, portions of the public passageways were eliminated, first with the construction of the SteinMart space on the top retail level, and then, when Range replaced Steinmart, a larger portion of the public passageway was eliminated. If, as described, medical offices replace retail, particularly if, as suggested, there is a large single medical tenant (See Rappaport letter), there will likely be a substantial further elimination of public passageways, resulting in an FAR exclusive of the public passageways that far exceeds the cap of 4.85. The proposal will exacerbate the existing violation of the PUD Order.

(2) Paragraph 21 of the Decision states that “The project shall provide a direct connection to the Friendship Heights Metrorail Station. In addition, the project shall provide a pedestrian connection for Metrorail users to the Miller property to the south of the PUD site, as shown in the plans filed in the record and marked as Exhibit 49F.”

In combination with the plans and the requirement of public walkways, the PUD required that pedestrians could conveniently use the Metrorail entrance on the SE corner of the 4-portal Friendship Heights/Western Avenue Metro entrance to walk to and from their homes and to and from all the retail and offices on Square 1661. If much or all of the interior retail space is converted to use by a large single medical office tenant (or medical offices generally), it becomes likely that this access will not be conveniently available to pedestrians, and might be unavailable altogether during some Metrorail hours.

(3) When the Miller property was developed, a pedestrian connection required in Paragraph 21 was provided between the Metro level of Chevy Chase Pavilion and Linens N Things (now Nordstrom Rack on the Metro level of the McCaffery PUD). The initial passage was wide, well-lit and reasonably safe at all retail hours. After the renovation where Washington Sport Club was added on the Metro Level of Chevy Chase Pavilion, the passage was reconfigured, and

twisted around and only seemed to be safe to use at peak hours. With more recent renovations, they seem to have eliminated the pedestrian connection entirely.

(4) In Paragraph 25 of the Decision, a requirement that the Applicant pay a pro rata share (with the other developers on Square 1661) of the funding and implementation of a traffic study and street and road improvements. According to my conversations with staff at DDOT a number of years ago, none of the developers have ever contributed to the traffic study or street and road improvements.

Marilyn Simon