

Anthony Hood
Chair
DC Zoning Commission
441 Fourth Street, NW
Washington, DC 20001
(202) 727-6072

February 10, 2009

Re: Case 08-15 (Wisconsin Avenue Giant Development)

Mr. Hood:

I wish to have the following letters entered in the record for the Case mentioned above.

In order not to be repetitive, I am attaching a letter I sent to the ANC last month that reflects the commercial truck activity that will surround us and will seriously affect and adversely impact me.

While we (my neighbors and I) are willing to accept some changes to the zoning which would permit this development, however the scale of zoning changes or exceptions requested would damage us along with the intense commercial activity that would be conducted next to our homes. I find it regrettable that the applicant has not made a larger effort in addressing our concerns.

This PUD is not the type this neighborhood needs. It is one sided and it needs to be rebalanced taking into considerations the surrounding homes.

Sincerely,



Philip Montalto
3321 Idaho Ave., NW
Washington, DC 20016

PLEASE ACCEPT
THESE CLEARER
COPIES OF THE
FAX RECEIVED ON
FEBRUARY 10, 2009

ZONING COMMISSION
District of Columbia
CASE NO. 08-15
EXHIBIT NO. 154

2009 FEB 19 AM 10:41

RECEIVED BY ZONING

Nancy MacWood, Chair ANC3C
ANC3C Commissioners
4025 Brandywine St NW
Washington, DC 20016

January 18, 2009

Re: Giant PUD Commercial Truck Concerns

Ms. Macwood,
Commissioners,

At the ANC meeting on 12/15/08, I commented on the risks and the negative impacts to the neighborhood should the applicant be permitted to place truck entrances and loading operations as proposed and was asked to provide additional input on the truck management and loading facilities plans.

This topic is of particular interest and concern to me and to the residents that live closest to the proposed truck route and loading facilities since we would stand to lose the current 53,493¹ SF of R-5-A zoning between our homes and a commercial area and which would then be replaced by a truck loading operation that would be free to operate from 6am to 10pm (hours of operations requested in PUD Truck Management Plan, Exhibit E).

There are approximately 25,388 SF that the applicant indicates will remain in the R-5-A Zone District². In the attached Maps, I highlighted the use of the remaining R-5-A area:

- relief from the use requirements in order to permit commercial loading activity to traverse the R-5-A Zone³.
- relief for a 30-foot wide curb cut on Idaho Avenue⁴.
- special exception use to permit the Townhouses in the R-5-A Zone⁵.

In fact, there would be little true R-5-A zoning left due to special exceptions or requested relief.

Truck Estimates

Despite repeated requests the applicant has not provided any future estimate or projection of the trucks that will be serving the development (Giant and non Giant) and has only provided some current counts and an estimate for the Giant Grocery store. Based on one day of observations, it has concluded that it is providing an "adequate loading and service facilities"⁶. Based on the applicant's estimates for Giant, this store is expected to see between 30 trucks using the Idaho loading facility. That would equate to 60 times that trucks would either enter or exit the Idaho loading area adjacent to the homes on Idaho Avenue.

The applicant has indicated numerous times at public meetings and indicated to me via email that the truck numbers serving the Giant store would be essentially unchanged (5-6 semis and 25-30 trucks/vans)⁷. This estimate for Giant would generate 60-72 trips, consistent with current store size counts reported by Giant. However, it is unbelievable that the truck numbers serving a 56,210 SF⁸ new state of the art Giant supermarket with many new sections (flowers, cooked meals, etc...) would not generate more of their truck deliveries or of their suppliers' deliveries than the current 18,478 SF⁹ grocery store. My findings that are supported by pictures show that Giant suppliers also use semi trucks and are not restricted to box trucks and vans.

I personally observed the following situation one morning this past fall (see Picture-1): 4 Semi trucks (2 Giant, 1 Coca Cola and 1 Pepsi Cola), 1 30 foot truck and 2 smaller delivery vans parked in the Giant parking lot. These 7 trucks were all serving Giant. This event can be expected to occur in the new larger Giant store proposed loading area, with trucks and vans unloading in the turn around area. This would be in contrast to the representation that the

applicant has made that the open area would be intended only as a turn around¹⁰ and it would provide "ample interior loading space to accommodate deliveries fully within the building"¹¹. This number of trucks would not be able to be accommodated in the new proposed Idaho Avenue loading area which would have 4 berths and 3 delivery spaces. One of these spaces or berths is typically occupied by a trash bin container, therefore there would be 6 spaces/berths available for truck delivery use.

The current truck counts presented in the October 24 PUD filing (Page 15, Exhibit F) are based on Newark and Wisconsin¹² and no consideration has been provided to the Macomb planned loading facility which will serve 47,475 SF of retail and commercial uses and 14 loft style apartments¹³. These counts are based on a totally empty South block with the exception of the grocery store, they cannot be used to represent a future fully occupied South block.

Exhibit F, Fig 3.1 in the October 24th filing shows 2 service delivery spaces, not 3. 3 delivery service spaces are referenced several times in Exhibit F Page 2 & 14. I appreciate the difficulties in designing a 3rd delivery space in an already congested truck facility but this is troubling that it was left off the map. Where would it be placed?

The truck management plan attempts to regulate the routes to be used and the trucks on "regular deliveries"¹⁴. The percentage of the regular deliveries vs. non regular deliveries is also unknown.

Furthermore, the PUD states that in order to relieve any temporary congestion that might occur at the North block or Macomb loading docks, it plans to temporarily store tractor trailers and single unit box trucks on the apron of the Giant loading berths¹⁵. While it identifies this as an "unlikely" event this situation is far from unlikely and it is easily predictable given that current needs already would congest the future loading operations. The fact that tractor trailer and single unit box trucks would be stored on the Idaho Avenue loading facility confirms our deep concerns that in fact our neighborhood would be traversed and hosting a truck operation terminal that is simply too large and incompatible with this residential neighborhood. The current loading facilities at the corner of Wisconsin and Newark were built there for a reason. It is not by accident that they are far from the homes and closest to the commercial street. Bringing trucks into a neighborhood just doesn't make sense.

Macomb Loading Facility vs. North Block Loading Facility

The two North block berths¹⁶ will serve 30,799 SF of retail and 124 apartments¹⁷. The plan recognizes that two berths may not be sufficient to support this. In fact, the applicant together with DDOT will monitor it's use and if warranted will add an additional dedicated curb side loading zone¹⁸. The concerns are clearly not due to the apartments use of the berths since the "Applicant believes that two berths are sufficient since the retail and residential uses will trigger demands for the loading dock at different times"¹⁹ and in addition the applicant states that "only one to two moves occur on an average month, indicating a low turnover rate"²⁰.

The applicant proposes to have a single loading berth off Macomb for 32,155 SF of retail, 17,320 SF of flex/office space and 14 Loft apartments^{21 22}. The concern is that the loading facility for Macomb is vastly undersized compared to the North block. Macomb would support 49,479 SF with a single berth where the North block would require possibly 3 spaces/berths for 30,799 SF? What sense can we make of this? The Macomb alley and indeed Macomb Street are currently already congested serving Cactus Cantina and 2 Amy's. This is apparent in the pictures attached.

At the July set down the Commission members took interest and recognized that trucks in the neighborhood would be an issue and asked for more information regarding the grocery store loading area, including sections of the store as it faces the residential properties along Idaho Avenue²³. The set down report clearly raised concerns about commercial trucks and the neighborhood and how the commercial trucks would impact it and requested a Truck

Management Plan. OP was generally supportive of the proposed loading facilities provided that no adverse impacts would accrue to the immediate neighborhood (page 7 July Set Down report).

The applicant has clearly not demonstrated that it has a plan (or a design for that matter) that would mitigate any adverse impacts to the immediate neighborhood caused by the commercial truck operations being proposed. The ANC should request that the service facilities be moved to a commercial street and zoned area.

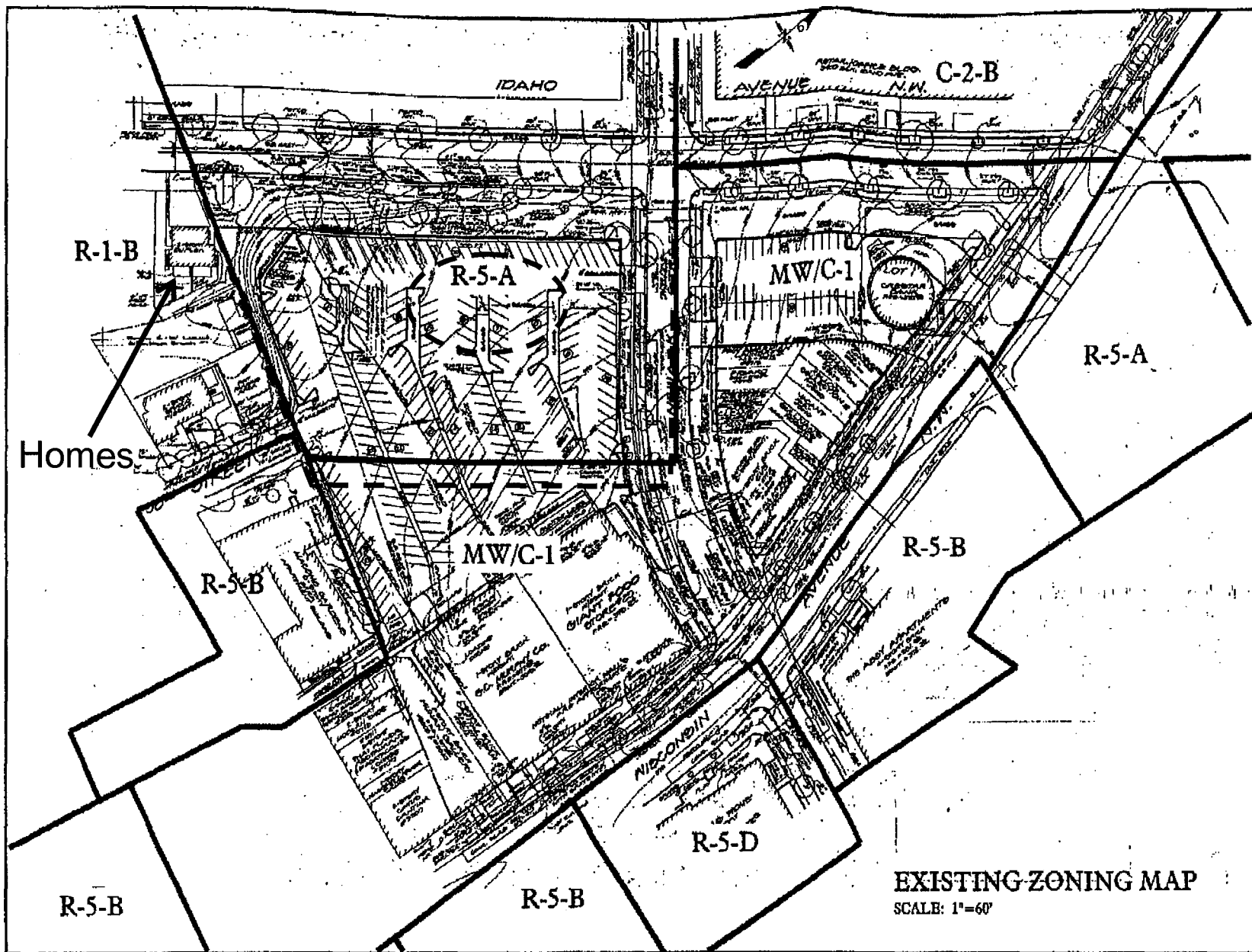
Should you have any questions, please let me know.

Respectfully,

Philip Montalto
3321 Idaho Avenue NW
Washington, DC 20016

Attachment Content:
Various Zoning MAP, Truck Pictures -Giant Parking Lot and Macomb Street

-
- ¹ Page 4 Exhibit B, Zoning Tabulations, PUD Filing Oct 24, 2008
 - ² Page 8, III Summary of Requested Relief, PUD Filing Oct 24, 2008
 - ³ Page 14, III Summary of Requested Relief, PUD Filing Oct 24, 2008
 - ⁴ Page 14, III Summary of Requested Relief, PUD Filing Oct 24, 2008
 - ⁵ Page 15, III Summary of Requested Relief, PUD Filing Oct 24, 2008
 - ⁶ Page 13, Exhibit F, PUD Filing Oct 24, 2008
 - ⁷ David Avitabile, Aug 8, 2008 (See Attachment)
 - ⁸ Page 1, Exhibit F, PUD Filing Oct 24, 2008
 - ⁹ Page 1, Exhibit F, PUD Filing Oct 24, 2008
 - ¹⁰ Page 7, Section II COMMENTS OF THE OFFICE OF PLANNING & ZC, PUD Filing Oct 24, 2008
 - ¹¹ Page 14, III Summary of Requested Relief, PUD Filing Oct 24, 2008
 - ¹² Page 9, Exhibit F, PUD Filing Oct 24, 2008
 - ¹³ Page1, Exhibit E, PUD Filing Oct 24, 2008
 - ¹⁴ Page2, Exhibit E, PUD Filing Oct 24, 2008
 - ¹⁵ Page 13, Exhibit F, PUD Filing Oct 24, 2008
 - ¹⁶ Page 14, Exhibit F, PUD Filing Oct 24, 2008
 - ¹⁷ Page2, Exhibit E, PUD Filing Oct 24, 2008
 - ¹⁸ Page2, Exhibit E, PUD Filing Oct 24, 2008
 - ¹⁹ Page 14, III Summary of Requested Relief, PUD Filing Oct 24, 2008
 - ¹⁷ Page 13, Exhibit F, PUD Filing Oct 24, 2008
 - ¹⁸ Page1, Exhibit E, PUD Filing Oct 24, 2008
 - ²² Page 1, Exhibit F, PUD Filing Oct 24, 2008
 - ²³ Page 6-7, Section II COMMENTS OF THE OFFICE OF PLANNING & ZC, PUD Filing Oct 24, 2008





Picture taken on 10/1/2000 9:50 10:00







From: Avitabile, David [mailto:david.avitabile@pillsburylaw.com]
Sent: Tuesday, August 05, 2008 4:55 PM
To: Montalto, Philip
Cc: Huesrose@aol.com; Richard S Rothblum; Lucy Wildrick; Feola, Phil
Subject: RE: Giant - Number of trucks

Philip,

I've received a preliminary response from the team on the number of trucks we anticipate will serve the site.

First, regarding the Giant. The existing Giant supermarket today generates five to six semi-tractor-trailer trucks and 25 to 30 single-unit vendor trucks per day. Giant reports that the same number of trucks will serve the new supermarket so there is not expected to be an increase in trucks attributable to the supermarket. As for the other uses on the site, we are actually decreasing the overall amount of non-grocery retail/commercial space on the site (from approximately 96,000 s.f. to approximately 80,000 s.f.), so the proposed ground-floor retail space and second-story flex space will likely generate less truck traffic than the site did when it was fully occupied.

Even if you compare what is proposed in the PUD to just the space that is occupied today (approximately 50,000 s.f.), we do not anticipate a significant increase in the amount of truck traffic. Much of the daily truck traffic associated with the increase in occupied space consists of U.S. Postal Service, UPS, and Fed-Ex deliveries that will already come to the site and neighborhood for existing commercial and residential deliveries. These same trucks are those that will provide deliveries to the residential units proposed for the site. The additional truck trips that will be attributable to the residential will be primarily for move-in and move-out, which is a periodic occurrence, not a regular one.

We are working on getting data on the actual number of trucks that serve the site today, so that we can provide an estimate as to the number of trucks that will serve the proposed project. Once we've had the opportunity to collect and analyze the data, we'll be happy to share the specific numbers with you.

Best,
Dave

David Avitabile | Associate
Pillsbury Winthrop Shaw Pittman LLP

Tel: 202.663.9013 | Fax: 202.663.8007
2300 N Street, NW | Washington, DC 20037-1122
Email: david.avitabile@pillsburylaw.com
Bio: www.pillsburylaw.com/david.avitabile
www.pillsburylaw.com

----- * Internal Revenue Service regulations generally provide that, for the purpose of avoiding federal tax penalties, a taxpayer may rely only on formal written advice meeting specific requirements. Any tax advice in this message does not meet those requirements. Accordingly, any such tax advice was not intended or written to be used, and it cannot be used, for the purpose of avoiding federal tax penalties that may be imposed on you or for the purpose of promoting, marketing or recommending to another party any tax-related matters.=====