

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

FRIENDSHIP-MACOMB SC INC.-
CONSOLIDATED PUD APPROVAL
& RELATED MAP AMENDMENT-
SQUARE 1920, LOT 813 AND
SQUARE 1920-N, LOTS 1 AND 2

Case No.
08-15

Thursday,
February 19, 2009

The Public Hearing of Case No. 08-15 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- GREGORY N. JEFFRIES, Vice Chairman
- WILLIAM WARREN KEATING, Commissioner
- MICHAEL G. TURNBULL, FAIA, Commissioner
(OAC)
- PETER MAY, Commissioner (NPS)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
MAXINE BROWN-ROBERTS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.

The transcript constitutes the minutes from the Public Hearing held on February 19, 2009.

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1 P-R-O-C-E-E-D-I-N-G-S

2 6:36 p.m.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. This is a public
5 hearing of the Zoning Commission of the
6 District of Columbia for Thursday, February
7 19th, 2009.

8 My name is Anthony Hood. Joining
9 me are Vice Chairman Jeffries, Commissioner
10 Keating, Commissioner May, Commissioner
11 Turnbull.

12 We are also joined by the Office of
13 Zoning Staff, Office of Attorney General and
14 the Office of Planning.

15 The subject of this evening's
16 hearing is Zoning Commission Case Number 08-
17 15.

18 Notice of today's hearing was
19 published in the D.C. Register on January 2nd,
20 2009.

21 The hearing will be conducted in
22 accordance with the provisions of 11 DCMR 3022

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1 as follows: Preliminary matters. The
2 applicant's case is 50 minutes or 60 minutes?

3 Okay. Fifty minutes. Report of the Office
4 of Planning, report of other government
5 agencies, report of the ANC 3C, parties in
6 support, organizations and persons in support,
7 parties in opposition, organizations and
8 persons in opposition, rebuttal and closing by
9 the applicant.

10 Again, the applicant 50 minutes.
11 Party in support 10 minutes and we need to
12 decide on parties in opposition because we
13 have not ruled on the parties yet.
14 Organizations five minutes. Individuals three
15 minutes.

16 All persons appearing before the
17 Commission are to fill out two witness cards.

18 These cards are located to my left on the
19 table near the door. Upon coming forward to
20 speak to the Commission, please give both
21 cards to the reporter sitting to my right.

22 The decision of the Commission in

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1 this case must be based exclusively on the
2 public record. To avoid any appearance to the
3 contrary, the Commission requests that persons
4 present not engage the members of the
5 Commission in conversation during any recess
6 or at anytime.

7 Please turn off all beepers and
8 cell phones at this time so not to disrupt
9 these proceedings.

10 Would all individuals wishing to
11 testify please rise to take the oath?

12 Bear with me one moment. I'm
13 trying to move forward and I missed something
14 very important.

15 The subject of this evening's
16 hearing is Zoning Commission Case Number 08-
17 15. This is a request by Friendship-Macomb SC
18 -- S.C for approval of a consolidated PUD and
19 related map amendment for property located at
20 square 1920 and 1920-N.

21 As I stated, notice of this hearing
22 was published in the D.C. Register on January

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1 2nd, 2009.

2 Would all persons wishing to
3 testify please rise to take the oath?

4 Ms. Schellin, would you please
5 administer the oath?

6 MS. SCHELLIN: Please raise your
7 right hand. Do you solemnly or affirm the
8 testimony you'll give this evening will be the
9 truth, the whole truth and nothing but the
10 truth? Thank you.

11 CHAIRPERSON HOOD: And I will again
12 ask the Honorable Councilmember from Ward 3
13 when she needs to be able to leave because of
14 her schedule, she can just raise her hand. We
15 don't want to keep her tied up. We're always
16 glad to see our councilmembers.

17 At this time, the Commission will
18 consider any preliminary matters. Does the
19 staff have any preliminary matters?

20 MS. SCHELLIN: Just want to advise
21 that we have received the affidavit of
22 maintenance. It's in order and as you have

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1 already mentioned, we have several requests
2 for party status.

3 CHAIRMAN HOOD: Okay. Colleagues,
4 I'm going to run through the requests of party
5 status.

6 We have one group who has asked to
7 be considered a party in support and it's --
8 they're called AWARE, Advocates for Wisconsin
9 Avenue Renewal and it's in our packets at
10 Exhibit 86.

11 I would move, not rule, but I would
12 move that we give AWARE party status. I think
13 the submission details that they are an
14 affected party and also being the only party
15 that we have in support which does not
16 necessarily mean that they are granted the
17 status. But, I think they also have -- we get
18 a balance in this discussion with AWARE
19 because they are a party in support and I
20 would make a motion to do that and ask for a
21 second.

22 COMMISSIONER KEATING: Second.

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1 CHAIRMAN HOOD: It's moved and
2 seconded. Any further discussion? Hearing
3 none, all those in favor?

4 (Ayes.)

5 CHAIRMAN HOOD: Any opposition?
6 So, staff, would you record the vote?

7 MS. SCHELLIN: Yes, sir, staff
8 records the vote 5 to 0 to 0 to grant party
9 status to the Advocates of Wisconsin Avenue
10 Renewal. Commissioner Hood moving.
11 Commissioner Keating seconding. Commissioners
12 Jeffries, May and Turnbull in support.

13 CHAIRMAN HOOD: Okay.
14 Commissioners, I'm going to try to move a
15 little differently here. I'm not sure where
16 the -- those who have requested party status
17 are. So we can be efficient and effective in
18 our proceedings, when you look at one of the
19 criterias for party status uniquely affected,
20 I think the street groups of Macomb. Even
21 though I think Macomb maybe stands out even a
22 little more, I'm also looking at Ordway and

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1 Idaho. I would strongly encourage those three
2 groups and also there's another one. I'm
3 sorry.

4 Just refer to the exhibits for a
5 minute. Okay. Exhibit -- okay. Let's do
6 this. Exhibit 50, Exhibit 61 -- 61 and 100
7 are the same. Exhibit 64, Exhibit 55, Exhibit
8 68. I don't know if this is an exhibit I got
9 tonight. Yes. Okay. So, those are the
10 exhibits. Again, Exhibit 50, Exhibit 61,
11 Exhibit 64, Exhibit 55 and Exhibit 68 and
12 Exhibit 50 is the Macomb Street Neighbors
13 which are located in square 1920.

14 If there's one that I would not
15 like to see merged together or coordinated,
16 this would be the only one. I think that when
17 I look at uniquely affected and things that
18 affect them more so that others in that
19 community, I think that the street
20 neighborhood groups as well as actually -- as
21 well as the Cleveland Park Citizens
22 Association, I think they can -- hopefully, we

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1 can move this thing where they can band
2 together. That's kind of where I am. We've
3 done this in the past. It's not very often or
4 however you guys feel.

5 I want to see if we want to try to
6 gear all those parties who are in opposition
7 to kind of move and band together. I know
8 they may have different highlights they want
9 to point out to us, but I think for the sake
10 of efficiency, if you band together I think we
11 can move in a more expeditious fashion.

12 Well, let me just say this. We're
13 already going to be here three nights at
14 least. So, it's not my intent to get us out
15 of here any sooner. I'm just trying to think
16 as far as your presentation to the Commission
17 in making your point. I just would like
18 hopefully to get the groups to be able to do
19 that. I'm not holding your hand or twisting
20 your arm to make you do it. I'm just asking,
21 but I want to see if my colleagues would like
22 to entertain that before we propose it to

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1 those representatives.

2 Commissioner May: Yes, I'd
3 certainly be interested in entertaining that.

4 You know, it helps us not just in terms of
5 the -- you know, the amount of time that it
6 takes, but also the -- you know, the
7 efficiency of the message and getting the
8 point across if the groups are willing to
9 combine forces in this manner.

10 CHAIRMAN HOOD: Okay. What I'm
11 going to do so we won't waste time doing this,
12 I'm going to call one representative up. We
13 have not granted party status, but I want to
14 call one representative. I hope I'm getting
15 the right one from each group.

16 Could I get a representative from -
17 - and I think from Macomb Street, it's Ms.
18 Sclafani. Sclafani. Ms. Sclafani, could you
19 come up please to the table?

20 Also, and if I have the wrong --
21 whoever's going to -- one representative from
22 the Ordway Street Neighbors. If you could

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1 have a seat at the table. The Ordway Street
2 Neighbors. Thank you.

3 The Idaho Street Neighbors and also
4 the Wisconsin-Newark neighborhood Coalition as
5 well as the Cleveland Park Citizens
6 Association.

7 And we're going to try to do this
8 as expeditiously as possible. If I could get
9 everyone, first of all, just to introduce
10 yourself and what organization and your
11 address.

12 Let me start with Mr. Espenschied
13 to my left. Just hit the bottom. When it
14 lights up green.

15 MR. ESPENSCHIED: I'm Peter --
16 ready?

17 CHAIRMAN HOOD: Yes. Pull that
18 mike just a tad. Okay. Great. The speakers
19 right over his ear. So, just -- I'll be
20 reminding people throughout the evening.
21 Okay. Continue.

22 MR. ESPENSCHIED: Peter

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1 Espenschied, Vice President of the Cleveland
2 Park Citizens Association.

3 CHAIRMAN HOOD: Okay. Okay. Ms.
4 Sclafani.

5 MS. SCLAFANI: Frances Sclafani
6 with the --

7 CHAIRMAN HOOD: I don't think it's
8 on. Did I pronounce your --

9 MS. SCLAFANI: Frances Sclafani
10 with the Immediate Macomb Street Neighbors.

11 CHAIRMAN HOOD: Okay. Sir.

12 MR. ISAACS: David Isaacs with
13 Ordway Street.

14 MR. HAINES: Tom Haines with Idaho
15 Avenue.

16 CHAIRMAN HOOD: Turn your mike on.

17 MR. HAINES: Tom Haines with 3300
18 Idaho.

19 CHAIRMAN HOOD: Okay.

20 MR. O'SULLIVAN: John O'Sullivan,
21 Wisconsin-Newark Neighborhood Coalition.

22 CHAIRMAN HOOD: Okay. Can you turn

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1 your mike on and repeat that?

2 MR. O'SULLIVAN: Yes, John
3 O'Sullivan for the Wisconsin-Newark
4 Neighborhood Coalition.

5 CHAIRMAN HOOD: Now, I'm going to
6 help all five of you out. When we look at the
7 uniqueness, you know, other than Macomb
8 Street, everyone else basically has the same
9 issues. So, what we're trying to do is maybe
10 narrow you down to two groups. Preferably
11 maybe Cleveland Park and the way I see it
12 Cleveland Park and the Wisconsin-Newark
13 Neighborhood Coalition and then the three
14 streets, Macomb, Idaho and Ordway.

15 Does anyone -- and, you know, there
16 will be plenty of time to get your
17 presentation together and you can decide on
18 some of the questions you want to ask for
19 cross examination. So, what -- basically what
20 this boils down to is two parties in
21 opposition and each one will be named, but,
22 you know, we'll be calling the

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1 Idaho/Macomb/Ordway Street Party. Okay.

2 MR. HAINES: Can I ask a question?

3 CHAIRMAN HOOD: Sure.

4 MR. HAINES: Would this affect how
5 -- I mean how many people from a given party
6 would be allowed to do cross examination
7 questions?

8 CHAIRMAN HOOD: Well, it's only one
9 anyway. Let me just say this. We've actually
10 had another hearing previously. Yes. It's
11 only one from any party anyway, but we -- I
12 will tell you I can work with that. If you
13 work with me or work with this Commission,
14 we'll work with you.

15 But, we don't want ten to come up.
16 You know, work within reason. If you have
17 one or two or somebody who's an expert in a
18 specific area, then we can work -- let's say
19 no more than two. Can we agree to that?

20 MS. SCLAFANI: Mr. Chairman, if I
21 can make things a little easier for you.

22 CHAIRMAN HOOD: Thank you.

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1 MS. SCLAFANI: With respect to --
2 with respect to our group, we put much of it
3 on paper.

4 So, as far as cross examination
5 goes, I'm going to be relying on a lot of what
6 we put in the written statement. We are
7 totally unique from Ordway or other
8 organizations as you, yourself, have
9 mentioned.

10 So, if you could keep us unique and
11 distinct, I can assure that within the time I
12 have to present, I can wrap it up within ten
13 minutes on my own presentation and as far as
14 cross examination, I won't be taking up much
15 time of the Commission.

16 CHAIRMAN HOOD: So, from what I'm
17 hearing, you're not in agreement with
18 combining.

19 MS. SCLAFANI: No, but I agree to
20 keep this extremely brief.

21 CHAIRMAN HOOD: I'm sure everybody
22 at the table's going to do that.

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1 MS. SCLAFANI: Yes.

2 CHAIRMAN HOOD: But, let me ask
3 this. Can we -- is there anyone interested in
4 -- Mr. Espenschied.

5 MR. ESPENSCHIED: Yes, let me just
6 say. Trying to be helpful to what you're
7 aiming at, those -- I'm sorry. Excuse me.
8 Don't want to blast you.

9 Those of us concerned about this
10 project to the point where we're in opposition
11 have realized the issues that you're raising
12 and have tried to view the kind of winnowing
13 that you're talking about so that the parties
14 that have applied are all really distinct in
15 their issues. It isn't just a matter of a
16 little difference in focus or emphasis, but in
17 what the primary issues are.

18 For example, Cleveland Park
19 Citizens Association is going to argue the
20 overlay and the contractual agreement which
21 Giant entered into and how that has worked out
22 and I don't think you'll be hearing very much

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1 about the contract from other groups and the
2 issue for instance in Idaho Avenue as I'm sure
3 you are aware --

4 CHAIRMAN HOOD: Mr. Espenschied,
5 let me -- I think what I'm hearing from you
6 and I appreciate it. What I don't -- I
7 appreciate what you're saying and I actually
8 hear what everyone is saying at the table even
9 the ones I'm kind of getting the gist of where
10 we're going. So, what I don't want to do is
11 work backwards. I was trying not to make this
12 a whole lot of time. I was seeing if we could
13 coordinate it. Obviously, that's not going to
14 work.

15 So, I want to thank all five of you
16 for coming up and I appreciate it and we're
17 going to move on. We're going to take each
18 party individually and we'll decide on it.

19 MR. ESPENSCHIED: Thank you.

20 MS. SCLAFANI: Thank you, Mr.
21 Chairman.

22 CHAIRMAN HOOD: It was a try.

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1 Okay. Colleagues, let's look at Exhibit
2 Number -- and I thank you all for coming. I
3 appreciate it.

4 Let's look at Exhibit Number 50.
5 This is from the Macomb Street Neighbors which
6 are located in square 1920.

7 Okay. We have a request to appear
8 as a participant as a party in opposition to
9 this application and it's Exhibit Number 50.

10 Colleagues, I think the Macomb
11 Street, on this application, I think that they
12 are uniquely affected. The resident who I
13 think is leading the Macomb Street group is
14 right next door, a single family home and it's
15 I think an apartment building. At least the
16 way it is in the submission.

17 And I would ask -- any discussion?

18 I would move that we make Macomb Street a
19 party in opposition in this case and ask for a
20 second.

21 COMMISSIONER TURNBULL: Second.

22 CHAIRMAN HOOD: Moved and properly

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1 seconded. Any further discussion? Any
2 further discussion? All those in favor?

3 (Ayes.)

4 CHAIRMAN HOOD: Hearing no
5 opposition, Ms. Schellin, would you record the
6 vote?

7 MS. SCHELLIN: Yes, staff records
8 the vote 5 to 0 to 0 to grant party status to
9 the immediate Macomb Street Neighbors.
10 Commissioner Hood moving. Commissioner
11 Turnbull seconding. Commissioners Jeffries
12 and Keating -- excuse me. Jeffries, Keating
13 and May in support.

14 CHAIRMAN HOOD: Okay. Next let's
15 look at the -- I thought it was just Idaho
16 Street, but it looks like it's the 3300 block
17 of Idaho which is Exhibit 64 and Exhibit 55.

18 MS. SCHELLIN: Excuse me, Chairman
19 Hood. Exhibit 64 is the amended. So, it
20 actually replaces Exhibit 55.

21 CHAIRMAN HOOD: Okay. So, they're
22 all -- but, they're all Idaho Street?

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1 MS. SCHELLIN: Yes.

2 CHAIRMAN HOOD: Okay.

3 MS. SCHELLIN: Yes.

4 CHAIRMAN HOOD: All right. So,
5 again, anyway, let's look at Exhibit -- well,
6 look at -- you can look at both of them
7 because they're both Idaho Street. So, thank
8 you, Ms. Schellin.

9 Let me open that up for discussion.

10 Okay. Not hearing any, I would move that we
11 grant the 3300 block of Idaho which is in
12 square 1920 party status in this case as a
13 party in opposition and ask for a second.

14 COMMISSIONER MAY: Second.

15 CHAIRMAN HOOD: Any further --
16 moved and properly seconded. Any further
17 discussion? All those in favor?

18 (Ayes.)

19 CHAIRMAN HOOD: Not hearing an
20 opposition, Ms. Schellin, would you record the
21 vote?

22 MS. SCHELLIN: Staff records the

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1 vote 5 to 0 to 0 to grant party status to the
2 residents from the 3300 block of Idaho Avenue.

3 Commissioner Hood moving. Commissioner May
4 seconding. Commissioners Jeffries, Keating
5 and Turnbull in support.

6 CHAIRMAN HOOD: Okay. Cleveland
7 Park Citizens Association, colleagues, is
8 Exhibit 67. Let me open it up for discussion.

9 Commissioner May.

10 COMMISSIONER MAY: No, I was just
11 going to move approval of the Cleveland Park
12 Citizens Association as a party.

13 CHAIRMAN HOOD: Okay. Okay. It's
14 been moved. Can I get a second?

15 COMMISSIONER TURNBULL: Second.

16 CHAIRMAN HOOD: Moved and properly
17 seconded. Any further discussion? All those
18 in favor?

19 (Ayes.)

20 CHAIRMAN HOOD: So ordered not
21 hearing any opposition. Staff, would you
22 record the vote?

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1 MS. SCHELLIN: Staff records the
2 vote 5 to 0 to 0 to grant party status in
3 opposition to Cleveland Park Citizens
4 Association. Commissioner May moving.
5 Commissioner Turnbull seconding.
6 Commissioners Hood, Jeffries and Keating in
7 support.

8 CHAIRMAN HOOD: Okay. We might as
9 well keep it going. Ordway Street Neighbors
10 Association. I would move approval of -- I
11 mean I would move that we grant party status
12 in opposition to the Ordway Street Neighbors
13 and ask for a second.

14 COMMISSIONER KEATING: Second.

15 CHAIRMAN HOOD: Moved and properly
16 seconded. Any further discussion? All those
17 in favor?

18 (Ayes.)

19 CHAIRMAN HOOD: Any opposition?
20 Hearing none, staff would you record the vote?

21 MS. SCHELLIN: Staff records the
22 vote 5 to 0 to 0 to grant party status in

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1 opposition to the Ordway Street Neighbors
2 Association. Commissioner Hood moving.
3 Commissioner Keating seconding. Commissioners
4 Jeffries, May and Turnbull in support.

5 CHAIRMAN HOOD: Okay. I will tell
6 you that the next group which is Exhibit 68, I
7 have a note from my reading last night and
8 from looking at the submittal and I'd like to
9 open this up for my colleagues. I didn't
10 think that they're submission -- at least
11 their submission, now their testimony may be
12 something different, but their submission did
13 not warrant party status. It was specific and
14 that's when I go back to my earlier statement.

15 I think it could have been combined with
16 maybe Cleveland Park.

17 Regardless, I've heard what Mr.
18 Espenschied has said, but I really think that
19 in their submission I don't think it basically
20 -- for me, it does not pass the test as party
21 status. But, let me open it up.

22 Commissioner May.

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1 COMMISSIONER MAY: Yes, I just have
2 -- it's a little hard sometimes from the
3 applications to understand the exact proximity
4 of the parties to the project. So, I would be
5 interested in finding out more about exactly
6 how close they are.

7 CHAIRMAN HOOD: Okay. I'll ask the
8 representative to come back to the table.

9 Could you identify yourself again
10 and which party you're proposing to represent?

11 MR. O'SULLIVAN: I learned this
12 time. Yes. It's the Wisconsin-Newark
13 Neighborhood Coalition. We are all within
14 three blocks of the PUD. We're on the side
15 streets that feed in, Macomb, Newark, Norton
16 Place and we're all affected by -- we already
17 have an application pending with the city to
18 look at traffic on Newark Street signed by
19 almost every neighbor between 34th Street and
20 Wisconsin. So, we're already heavily --
21 heavily affected by that.

22 I -- for myself, Mr. Chairman, I

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1 think we can cooperate with other parties. We
2 already have. We participated in negotiations
3 with the developer along with CPCA and the
4 Idaho Neighbors to try to resolve issues that
5 cut across our various concerns. So, I think
6 if we could have some latitude on organizing
7 cross examination, we would be willing to
8 throw in with the others.

9 But, the notion that we don't
10 warrant standing and AWARE does when AWARE has
11 done nothing but get petitions signed and post
12 on list serv and we have spent hundreds of
13 hours analyzing this, hiring out of our own
14 pockets experts to analyze things. We've gone
15 to every meeting. We tried to negotiate with
16 Giant and the notion that that kind of citizen
17 commitment by people who live within, you
18 know, a quarter of a mile of this project and
19 whose kids are going to be affected everyday,
20 it seems to me wrong.

21 CHAIRMAN HOOD: So, let me ask
22 this, and I think you kind of alluded to it,

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1 so you can coordinate with one of the streets
2 and you can work out your -- you can -- which
3 group could you join with?

4 MR. O'SULLIVAN: I think we can all
5 get together except for Macomb Street and
6 we've already made efforts to eliminate any
7 redundancy.

8 CHAIRMAN HOOD: Right.

9 MR. O'SULLIVAN: And to assign sort
10 of the lead over to people who were most
11 aggravated or most aggrieved by certain parts
12 of the development. So, we've been trying to
13 do this before you asked us.

14 But, we have made a huge commitment
15 here. We're all volunteers and I really
16 protest the idea that we haven't earned
17 standing.

18 CHAIRMAN HOOD: You know, what?
19 I'm a volunteer in the neighborhood, too and I
20 understand how it goes. I'm very sympathetic
21 to volunteers, but what I'm saying is your
22 submission. Legally, we have to go by what's

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1 submitted and the way I read it, that's why I
2 opened it up to my colleagues. My colleague
3 asked you to come up to find a little bit more
4 I guess your proximity because your submission
5 did not exactly tell us exactly who you were.

6 I know you're in the neighborhood, but so is,
7 I'm sure, everybody, you know, and we have to
8 look at --

9 MR. O'SULLIVAN: Yes, but that's
10 not --

11 CHAIRMAN HOOD: -- the letter of
12 the law.

13 MR. O'SULLIVAN: But, the law says
14 more affected than the general public. That's
15 the whole city and the answer to that
16 question, as a matter of law, I submit is yes.

17 CHAIRMAN HOOD: Okay.

18 MR. O'SULLIVAN: We're very much
19 more affected than the general public.

20 CHAIRMAN HOOD: Well, that's my
21 position from what you submitted and then
22 that's just where I stand. I'm not saying

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1 it's going to be denied because I'm going to
2 open up to my colleagues, but I just want you
3 to know that's -- that's how I look at it.
4 That was to start discussions and discussions
5 have started.

6 Thank you very much.

7 You have anymore questions?

8 COMMISSIONER MAY: Yes, I'm still
9 unclear on exactly how far away. I mean their
10 reference is to some within 200 feet. Some of
11 the people in your group are within 200 feet
12 and they're on the side streets across
13 Wisconsin. Is that what I understand?

14 MR. O'SULLIVAN: Yes. Yes.

15 COMMISSIONER MAY: Okay.

16 MR. O'SULLIVAN: Some of us are a
17 block away. Some of us two blocks away.

18 VICE CHAIRMAN JEFFRIES: But, you
19 made mention in your testimony that someone
20 from the group AWARE, those people, some of
21 them are a quarter of a mile away? Is that --

22 MR. O'SULLIVAN: Oh, they're much

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1 further than that.

2 VICE CHAIRMAN JEFFRIES: Oh.

3 MR. O'SULLIVAN: A number of people
4 in AWARE are not from Cleveland Park at all.

5 VICE CHAIRMAN JEFFRIES: Okay. I
6 will tell you that we noticed that, but some
7 of them are and they were the only group in --

8 MR. O'SULLIVAN: The guy who
9 started it lives across the street from me,
10 but, you know, but the notion he gets in and I
11 don't is tough for me to take.

12 CHAIRMAN HOOD: Well, let me see.
13 Colleagues, how do you all want to move? I --
14 Commissioner Keating?

15 COMMISSIONER KEATING: I think I'd
16 move to grant party status.

17 VICE CHAIRMAN JEFFRIES: Second.

18 COMMISSIONER KEATING: I'm just
19 looking at, you know, where they are. I think
20 it makes sense.

21 CHAIRMAN HOOD: It's moved and
22 properly second. Any further discussion?

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1 Other than I will go ahead along with my
2 colleagues and grant it, but I think the
3 submission is -- it could be a little more
4 clear. That's why I think we had the
5 questions in the --

6 MR. O'SULLIVAN: My first shot.

7 CHAIRMAN HOOD: That's all right.
8 That's all right. I appreciate your volunteer
9 effort.

10 Okay. All those in favor?

11 (Ayes.)

12 CHAIRMAN HOOD: Any opposition?
13 So, staff, would you record the vote?

14 MS. SCHELLIN: Staff records the
15 vote 5 to 0 to 0 to grant party status to the
16 Wisconsin-Newark Neighborhood Coalition.
17 Commissioner Keating moving. Commissioner
18 Jeffries seconding. Commissioners Hood, May
19 and Turnbull in support.

20 MR. O'SULLIVAN: Thank you, Mr.
21 Chairman.

22 CHAIRMAN HOOD: Okay. Thank you.

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1 Ms. Schellin, can we let the parties now know
2 how much time they get. That was one of the
3 reasons we were trying to coordinate.

4 MS. SCHELLIN: The Applicant --

5 CHAIRMAN HOOD: Turn your mike on,
6 Ms. Schellin.

7 MS. SCHELLIN: Sorry. The
8 Applicant and the AWARE group will have one
9 hour to share and I believe the Applicant has
10 requested 50 minutes. So, therefore, AWARE
11 will have 10 minutes and the one, two, three,
12 four, five parties in opposition will share
13 one hour. So, you can split that however you
14 want. We can divide it by five or among you
15 you can come up with some other amount of
16 time.

17 CHAIRMAN HOOD: And those are our
18 regulations. I see the former Chief Judge --

19 MS. SCHELLIN: Yes, but no more
20 than one hour.

21 CHAIRMAN HOOD: I see the former
22 Chief Judge raising his hand and I get nervous

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1 when the judge raises -- because I'm just a
2 little guy from Ward 5.

3 Actually, if somebody on staff
4 could -- Your Honor, you know how these things
5 -- did I see your hand go up? Oh, I didn't.
6 Oh, it was your hand.

7 MS. SCHELLIN: I think Ms. Sclafani
8 told me she needs ten minutes. So, but --
9 right and you guys can figure. You have time.
10 You have time. So, we don't need to know
11 right now.

12 CHAIRMAN HOOD: All I know is I saw
13 somebody to the left raise their hand. Okay.
14 All right. With that, we know who we are.
15 Everybody's on board. Ms. Schellin, okay.
16 All right. Let's -- Councilmember, you want
17 to -- after the Applicant I think you said.
18 Okay. We're not trying to get you out of
19 here. We're just trying to be cognizant of
20 your time. No. No. No. Actually, we want
21 you to stay. Okay.

22 Mr. Feola, if you want to come up

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1 and let's get started. Come to the table.
2 You have a question.

3 MR. O'SULLIVAN: There's a
4 preliminary matter which was the -- we filed a
5 motion to refer to --

6 CHAIRMAN HOOD: Thank you. I
7 actually will tell you that -- let's see.
8 There were some legal issues, colleagues.
9 Thank you very much.

10 Exhibit 13, Exhibit 16, Exhibit 17,
11 Exhibit 23, Exhibit 37 and Exhibit 45 in the
12 record, there was a motion made. At the time,
13 they did not have party status. They didn't --
14 -- as far as I -- at that time, you didn't have
15 any legal standing.

16 So, what I would like to do,
17 colleagues, unless I hear from someone else
18 who would like to move in a different fashion,
19 that we realize that this motion is here in
20 front of us, I would like for us to hold this
21 in abeyance until we continue with the case at
22 large and we can probably deal with this at

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1 our deliberations first.

2 Ms. Glazer, is that legally
3 sufficient and technical? Is it the correct
4 way to proceed? I mean if my colleagues
5 agree.

6 MS. GLAZER: I believe it is, Mr.
7 Chair. You can hold the motion in abeyance.

8 CHAIRMAN HOOD: Okay. That's what
9 I'm going to do.

10 Okay. Mr. Feola.

11 MR. FEOLA: Thank you. Thank you,
12 Mr. Chair. Phil Feola for the Applicant. We
13 have one preliminary matter and that is
14 recognizing persons who we've asked to be
15 recognized as experts.

16 CHAIRMAN HOOD: Okay.

17 MR. FEOLA: Exhibit 46 Tab F are
18 the résumés of the individuals.

19 CHAIRMAN HOOD: And there are only
20 a few people. I think Mr. -- and help me if I
21 pronounce someone's name incorrectly. Mr.
22 Heapes, Craighill. Mr. Wells we know.

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1 Volanth. Is it Volanth? Volanth and Henning.

2 MR. FEOLA: Yes. Yes, sir.

3 CHAIRMAN HOOD: Okay. Colleagues,
4 the résumés are in the exhibit. I don't have
5 it in front of me. Which Mr. Feola already
6 mentioned. The résumés are there. Does
7 anyone have any problems with all being given
8 the position of experts? With the exception
9 of Mr. Wells. We don't really need to. We
10 see him enough. I don't mean that, Mr. Wells.
11 Wherever you are, I don't mean it like that.

12 COMMISSIONER TURNBULL: I'm sorry.
13 What was the full list again?

14 CHAIRMAN HOOD: The list I have
15 and, Mr. Feola, we can coordinate that. Mr.
16 Heapes --

17 COMMISSIONER TURNBULL: Um-hum.

18 CHAIRMAN HOOD: -- Craighill,
19 Wells, Volanth and Henning.

20 COMMISSIONER TURNBULL: Okay.

21 CHAIRMAN HOOD: Let me say this.
22 What they are -- Mr. Heapes is the project

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1 master planner and architect and this is
2 page 4 of their exhibit dated January 30th,
3 2009.

4 Also, we have Ms. Craighill. I'm
5 sorry. Julia Craighill, sustainability
6 consultant.

7 Mr. Wells, as we know, traffic and
8 parking consultant.

9 Adam Volanth, civil engineering
10 consultant and Gerald Henning, acoustic
11 consultant.

12 VICE CHAIRMAN JEFFRIES: Is there a
13 résumé for Wildrick? Oh, there's not?

14 CHAIRMAN HOOD: No, Wildrick is not
15 being proffered. She may be here, but I don't
16 think -- is she here?

17 VICE CHAIRMAN JEFFRIES: Oh, she's
18 not being proffered.

19 MR. FEOLA: She not being proffered
20 as an expert.

21 VICE CHAIRMAN JEFFRIES: Okay.

22 MR. FEOLA: She is here.

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1 CHAIRMAN HOOD: The ones that have
2 been proffered have an asterisk by them.

3 MR. FEOLA: Yes, sir.

4 COMMISSIONER MAY: Mr. Chairman,
5 the one thing I would note is that with Mr.
6 Heapes in particular the résumé that we have
7 is a bit sparse and, you know, we have made an
8 issue in the past of needing to have more
9 specific information about past projects in
10 order to be able to evaluate it and just to be
11 consistent in our treatment of expert
12 witnesses, I just wanted to raise that to
13 attention of my fellow commissioners.

14 CHAIRMAN HOOD: And that was Mr.
15 Heapes?

16 MR. FEOLA: Mr. Chairman, we
17 certainly can supplement that, but Mr. Heapes
18 has testified before this Commission as an
19 expert before. He has been --

20 VICE CHAIRMAN JEFFRIES: Excuse me.
21 Is he a partner with John Isan? Is John Isan
22 with this group?

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1 MR. FEOLA: No, sir.

2 VICE CHAIRMAN JEFFRIES: Oh, okay.

3 I'm sorry. I'm getting --

4 MR. HEAPES: I used to be his boss.

5 VICE CHAIRMAN JEFFRIES: Oh, you
6 used to be his boss. Okay.

7 CHAIRMAN HOOD: Okay. Okay. So,
8 noted.

9 COMMISSIONER MAY: Accepted before
10 though as an expert witness?

11 MR. FEOLA: That's correct.

12 CHAIRMAN HOOD: That's what we've
13 been testified to. He was accepted here
14 before.

15 Yes, it's sometimes good to let us
16 know that because like Mr. Heapes and some
17 others we don't see as often.

18 MR. FEOLA: Right.

19 CHAIRMAN HOOD: We see Mr. Wells
20 maybe once or twice a week. So, we know him.

21 Okay. Before we begin, I always do
22 this and I don't know which side they're on,

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1 but we have a former colleague Greg Jeffries
2 who's an officer of the city as well as the
3 Chairperson of the Board of Zoning. I'm
4 sorry. What did I say? I'm looking --

5 VICE CHAIRMAN JEFFRIES: Trying to
6 move me out. I'm getting there. I'm trying
7 to get the door.

8 CHAIRMAN HOOD: I'm sorry. Geoff
9 Griffis, former colleague, served as Chair of
10 the Board of Zoning Adjustment. Soon that'll
11 be said for me, too. Geoff Griffis who served
12 the city well as the Chair of the Board of
13 Zoning Adjustment. Just want to acknowledge
14 him and I'm not sure where he is on this case,
15 but good to see you.

16 Okay. Mr. Feola.

17 MR. ESPENSCHIED: Mr. Chairman,
18 preliminary matter.

19 CHAIRMAN HOOD: Mr. Espenschied, we
20 got another preliminary matter?

21 MR. ESPENSCHIED: Well, I'm not
22 sure. From what you've just been doing, do we

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1 need to get our expert witness qualified?

2 CHAIRMAN HOOD: Good question. At
3 the time when we get to that point when you do
4 your -- we'll do that at that time. I think
5 you do have one that you're proffering as an
6 expert.

7 MR. ESPENSCHIED: Yes, he's --

8 CHAIRMAN HOOD: We'll do that at
9 that time.

10 MR. ESPENSCHIED: -- he's well
11 known to you. So, I don't know whether -- how
12 much preparation we should have --

13 CHAIRMAN HOOD: We're going to do
14 it at that time. I think you have a résumé in
15 here. Right?

16 MR. ESPENSCHIED: I don't know.

17 CHAIRMAN HOOD: Yes, I saw -- I
18 read something. I hope I saw a résumé. I
19 think I did see a résumé.

20 MR. ESPENSCHIED: It's Dorn
21 McGrath. So --

22 CHAIRMAN HOOD: Yes, I think I saw

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1 a résumé. Did we have -- we'll get to that at
2 the time when we --

3 MR. ESPENSCHIED: Certainly.

4 CHAIRMAN HOOD: And if you haven't
5 had a résumé, we don't have the résumé, make
6 sure we have it when we get to you because I
7 don't think we're going to get to you tonight.
8 Okay. All right.

9 Mr. Feola. Sorry about that.

10 MR. FEOLA: Am I on, sir? No, I
11 can start. Thanks, Mr. Chairman. Phil Feola
12 with Pillsbury Winthrop. With me is Dave
13 Avitabile of our firm. Here on behalf of the
14 Applicant in this case which as you pointed
15 out is Friendship-Macomb SC which is a wholly-
16 owned subsidiary of Giant Food Stores.

17 What we are hoping to show you
18 tonight is a project that is fairly unique in
19 the District of Columbia and that is we hope
20 to bring to you in a single ownership a
21 redesign, a redevelopment of an entire
22 neighborhood shopping center which was built

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1 in the '50s and create essentially a new
2 commercial heart of this community.

3 The project site, if maybe we can
4 have the lights, as you can see is a little
5 over four acres. It's actually in two
6 discreet parcels which we call the north
7 parcel and the south parcel.

8 It is bounded by Idaho Avenue on
9 the north. Across Idaho Avenue from the
10 subject site is the Second District Police
11 Station, a small mid-rise office building on
12 the corner of Idaho and Newark and a high-rise
13 residential building with ground-floor retail
14 on the corner on Idaho and Wisconsin.

15 As you walk around to the east side
16 of the property which is Wisconsin Avenue on
17 both the north and south parcels, the land
18 uses on the opposite side of Wisconsin Avenue
19 predominately residential -- are all
20 residential actually, single family and multi-
21 family and the southern boundary of the
22 property is a property line of properties that

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1 front on Macomb Street which are boarded with
2 uses of small commercial retail on the corner
3 of Macomb and Wisconsin, a mid-rise multi-
4 family residential building and a handful of
5 single -- five or six single family houses
6 that you've talked about on Idaho and Macomb.

7 So, what we hope to show you
8 tonight is a redo of a shopping center that
9 has been utilized essentially the entire
10 property in commercial purposes since the mid-
11 '50s.

12 Richard, you can go to the next
13 slide.

14 The site is currently zoned --
15 split zoned with the Wisconsin Avenue two-
16 thirds more or less in the C-1
17 Macomb/Wisconsin Overlay District and the rear
18 or the Idaho frontage in the R-5-A zoned
19 district.

20 What we are requesting tonight is a
21 rezoning to the C-2-A district with the
22 elimination of the overlay as you've also

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1 heard.

2 And with that, I'd like to have Mr.
3 Heapes walk through the planning process that
4 got us to be before you tonight.

5 MR. HEAPES: Thank you, Phil.
6 Chairman and Commissioners, it's my pleasure
7 to be here tonight for Mr. May's benefit, I'm
8 a founding partner of Street-Works which is a
9 White Plains based company with 30 years of
10 experience in mixed-use urban town centers.
11 Nationally, we're known from San Jose,
12 California with Santana Row to our own
13 development in West Hartford, Connecticut
14 Blueback Square.

15 More locally, you would know our
16 work as the master plan and architect of
17 Bethesda Row and the newly opened Rockville
18 Town Center. Other suburban experience
19 includes Reston Town Center, Shirlington, et
20 cetera.

21 And, of course, in the District, we
22 have been advising on streetscape, retail and

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1 public spaces on square 54 with Boston
2 Properties and are currently working with
3 Hines Archstone on the old D.C. Convention
4 Center Site.

5 I hope that will at least
6 illustrate some of my background.

7 But, really what we're going to do
8 tonight is speak about a process and a design
9 that I'm very proud of and happy about because
10 it is the most inclusive process we may have
11 ever done.

12 Starting in 2005, right out of the
13 box opening with a website and interaction
14 with neighborhood groups and with the
15 Applicant to clean up storefronts that were
16 abandoned, working with the neighborhood
17 groups to create community oriented parking in
18 the grocery store shopping center. We feel
19 like we've done a process that has to the best
20 of our ability incorporated those concerns
21 from around the community.

22 This is a list of many of the

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1 meetings that we've had over the past few
2 years with the ANC and other neighborhood
3 groups to create this plan and although we're
4 going to show you this plan tonight for your
5 approval, during the course of those three
6 years, these are just a few of the changes and
7 I'm here to tell you that this -- this is what
8 remains of our original proposal to the
9 neighborhood. The size of the store, the
10 location, how you get into it and that's it.

11 So, in my mind, I'm presenting a
12 plan that has a large amount of consensus in
13 it and a tremendous amount of input.

14 VICE CHAIRMAN JEFFRIES: Excuse me,
15 Mr. Heapes. Just -- yes, let's go back.

16 CHAIRMAN HOOD: Can you back up so
17 we can see that relationship again?

18 MR. HEAPES: Oh, I'm sorry.

19 VICE CHAIRMAN JEFFRIES: I just
20 want to be clear as to what we're looking at.

21 When you --

22 MR. HEAPES: Everything --

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1 VICE CHAIRMAN JEFFRIES: Are you
2 just numbering the number of changes?

3 MR. HEAPES: Those are the number
4 of changes that I've tracked that have
5 happened in the plan as we originally --

6 VICE CHAIRMAN JEFFRIES: So, if I
7 look at number seven, number seven states a
8 change that occurred in that --

9 MR. HEAPES: Yes.

10 VICE CHAIRMAN JEFFRIES: Okay.
11 I've just never seen such a slide before.

12 MR. HEAPES: We could go through 30
13 of them.

14 VICE CHAIRMAN JEFFRIES: Okay.

15 MR. HEAPES: What's black out is
16 what's different from what we proposed.

17 VICE CHAIRMAN JEFFRIES: So, you
18 have a ledger?

19 MR. HEAPES: Yes.

20 VICE CHAIRMAN JEFFRIES: Okay.

21 CHAIRMAN HOOD: So, the first
22 slide, can you go back to the one before that?

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1 MR. HEAPES: Yes.

2 CHAIRMAN HOOD: Okay. That's --

3 MR. HEAPES: That one.

4 CHAIRMAN HOOD: -- that's how it
5 started.

6 MR. HEAPES: No, this is what we're
7 going to present to you tonight.

8 CHAIRMAN HOOD: Oh, this is what
9 you're going to present. So, what is the
10 second one?

11 MR. HEAPES: My point is that this
12 plan that we're going to present tonight is
13 the result of a lot of input by a lot of
14 people and I'll be quite honest, good ideas
15 from a lot of people. It's way better than we
16 proposed to the point that what we may have
17 initially proposed through our own efforts --

18 CHAIRMAN HOOD: I got ya. I got
19 ya.

20 MR. HEAPES: -- has largely been
21 refined and focused by the interaction with
22 those groups.

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1 To that point, we -- actually,
2 we'll see through our testimony and those of
3 others, we have garnered support from a number
4 of key people including Councilmember Cheh and
5 the ANC. That's just a way of introduction.

6 So, what I'd like to start out with
7 quickly is just giving us a baseline of
8 walking around the site and reminding you just
9 what some of the conditions are.

10 As you come down Massachusetts
11 entering this neighborhood, and I should tell
12 you these were slides that were shown three
13 years ago to the neighbors and we talked about
14 these things, the entrance to the District is
15 a little undistinguished, low in scale and
16 doesn't really let you know that you're in the
17 community until you're kind of in the middle
18 of it.

19 As you walk around the site looking
20 up Newark from Idaho, the edges of the site
21 are undistinguished. They are surface parking
22 lots. They're clean, but they certainly not -

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1 - are characteristic of a well-integrated
2 neighborhood center to its neighborhood.

3 This slide says a lot about the
4 character of Wisconsin at this point. You do
5 see the existing single story Giant and the
6 character of the other side of Wisconsin
7 relative to its width, its traffic capacity,
8 its sense of place if you would and then, of
9 course, the current situation which does have
10 the abandoned C.G. Murphy's with very, very
11 wide sidewalks, 25 feet and not the kind of
12 character and activity that you would expect.

13 I would tell you if there's one
14 lesson we've learned through all of our
15 meetings it's about getting outside walks
16 active again and an active part of that
17 neighborhood and that's largely what generated
18 our thinking on the site.

19 There's an interesting subtlety to
20 the site which has to do with the grading
21 along the site. It is not flat. If you take
22 Michigan Avenue at this location at Newark and

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1 call that zero -- oh, excuse me. What did I
2 say? Michigan? Wisconsin. They're next
3 door.

4 CHAIRMAN HOOD: Took us all across
5 town. Michigan Avenue.

6 MR. HEAPES: Well, I've -- if you
7 take Michigan Avenue's basically elevation and
8 call it zero and walk through the site,
9 actually about half way down the parking lot,
10 you are almost ten feet below grade and all
11 the way through the site going down Newark and
12 down Idaho, you are almost 20 feet below the
13 site which is an interesting opportunity.

14 The store today is at Wisconsin
15 level and you'll see as we begin to think
16 about the planning we do in effect have three
17 street-level elevations. We have Wisconsin.
18 We have 38th Street which you can't see here
19 which is almost at that minus ten level and we
20 have Idaho which is also sloping down at that
21 minus 20 level. So, as you go around the
22 project, street level changes and varies which

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1 is an opportunity.

2 I also want to speak about the
3 general heights of the uses that Phil
4 mentioned of the primary units and you will
5 notice that there are a number of buildings
6 adjacent to this parcel which are equal to or
7 taller than what we are proposing in this PUD.

8 In fact, when you look at the
9 greater Wisconsin corridor there, it is
10 distinguished by a number of primarily
11 residential with the exception of this
12 building buildings of a certain height.

13 To give you some perspective, the
14 buildings across the street here, office
15 building and residential, all almost exactly
16 the same height or taller than what we will be
17 proposing. When you look across the other
18 street, across the site on Wisconsin, these
19 buildings on this block are significantly
20 taller than what we are proposing.

21 Having said that, there is a unique
22 urban character in this zone along Macomb and,

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1 of course, our projects of a basic two-story
2 height level that does open the space up and
3 create more sunshine and a brighter scale to
4 Wisconsin there that we have taken note of in
5 our design.

6 What I'd like to share with you is
7 some of the just basic key principles of
8 thinking as we look at the site and then it'll
9 make going through the plan much easier and
10 more efficient if you would.

11 First and foremost, what makes this
12 site unique is it is owned by Giant. It is
13 not a development parcel with a developer with
14 a variety of agendas trying to push a grocery
15 store onto a site. So, from our initial
16 thinking, we must start with getting a state-
17 of-the-art, full-service, convenient working
18 grocery store on the site and so, the question
19 was what does that mean?

20 It means the correct size and the
21 proportions that the Applicant told us is
22 required for this market. It means convenient

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1 parking. In this case because of the grade,
2 you'll see that we're putting the parking
3 below the store on those levels with street-
4 level access and it means good visibility like
5 they have today on the corner of Wisconsin.
6 Separated loading from the customer which they
7 do not have today. The trucks today drive
8 through the parking lot and back up in front
9 of the people walking to the store.

10 Those are the basics of a good kind
11 of grocery store at this size and that's how
12 we started the project. That, however,
13 doesn't tell us anything what to do to make it
14 a good neighbor and a good piece of the urban
15 fabric.

16 So, from that aspect, we really
17 viewed this site in four ways. First of all,
18 I view it kind of as a zipper. You have
19 intact residential neighborhoods on this side
20 and this side and really kind of a no-man's
21 land from the pedestrian point of view in here
22 and we really thought the way to start was to

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1 start by Newark and looking at Newark as a
2 good opportunity to put mixed-use residential
3 that has neighborhood service retail, but
4 residential above it so as you walk from
5 neighborhood to neighborhood to this key
6 anchor, it is lined with a similar use. Eyes
7 on the street. Windows on the sidewalk to tie
8 this site to its neighborhoods.

9 I should tell you while we look at
10 this there's an entity here that doesn't
11 really fit in the mix from that perspective
12 which is the police station, but it certainly
13 does in terms of civic use, safety, et cetera.

14 Having said that, then the other
15 issue is how do we reactivate the Wisconsin
16 sidewalk streetscape and so, our proposal from
17 the edge of the property line consistent all
18 the way to the corner at Idaho is continuous
19 uninterrupted small shop retail. That sits in
20 front of the store. So you can already see
21 the basics of a diagram of the stores there as
22 an entrance. We don't have to look at it

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1 because it's big and typically blank and not
2 too handsome no matter what you do. So, we've
3 activated Wisconsin with new streetscapes,
4 small shops.

5 Finally, looking at some transition
6 uses along Idaho that help transition to the
7 residential character even though these are
8 directly across the police station. Some form
9 of residential components.

10 Thinking about height, there's
11 really two thoughts on height. We believe
12 first that by keeping this block, the majority
13 of the site, two stories and in the same
14 scale, character as Macomb and these uses.
15 There's a good start to keeping the low-scale
16 character of the neighborhood here.

17 We do believe that the north parcel
18 is the place for higher buildings. In this
19 case, five stories. I would call them medium
20 price buildings to create an entrance and
21 scale to Wisconsin as you enter the District
22 and allow us to add uses of residential.

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1 Finally, in terms of urban design,
2 we will have an interesting conversation
3 tonight about architecture and what the
4 aesthetic is. Currently, today, around this
5 project, you have what I call older commercial
6 buildings. We have all kinds of style of
7 residential here from Spanish revival to
8 Federalist brick. Up in McLean Gardens, we
9 have what I call wartime consistent. Almost
10 colonial federal style buildings.

11 And if Joel was here, he would be
12 twinging, but I call the architecture on the
13 Giant site, you know, Moderne Commercial.
14 It's streamlined. I'm sure you can help me
15 with what the proper name is.

16 But, the question will be to create
17 an architecture of this district that makes
18 sense out of all that and helps pull it
19 together.

20 So, having gone through that
21 thinking, let me walk you quickly through the
22 plan starting first with the store. You can

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1 see that the store sits in the middle of the
2 site away from Wisconsin, away from Newark.
3 So that it is surrounded by other uses with
4 its main entrance here on the corner into the
5 body of the store. This is the Wisconsin
6 level street plan and you can see all the
7 sidewalks are activated by retail along Newark
8 and completely around this building with
9 transition below.

10 If you were to peel this off and
11 look one level below, the minus ten level, you
12 would see that we actually have parking garage
13 for the grocery store with a major core
14 allowing customers to park undercover, use
15 vermaports and other grocery technology to get
16 you up to the store and that is actually
17 arrived at from Newark here and goes all the
18 way through out 38 to Macomb and it is at that
19 existing level.

20 So, it's like a surface lot
21 underneath the store if you want to think of
22 it. It's safe. It's lit. It's secure.

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1 Furthermore, under that level at
2 the Idaho level are the loading facilities for
3 the store and more parking available through
4 the ramp which can be used not only by the
5 store, but by all the retail we're proposing
6 and the neighborhood. So, as a result, you
7 may park down here having gone down the ramp.

8 There's a core at the street here. Elevators
9 and stairs. There's a core at the street
10 here. Elevators and stairs that take you from
11 that space to the sidewalk not to the store.
12 Out to the sidewalk. So, it can function as
13 much as a community parking facility as a
14 store or any parking facility.

15 There's a quick little section
16 through that to just give you a little sense
17 of how that works. Supermarket at Wisconsin,
18 parking, parking and loading at Idaho.

19 Having said that then, we can talk
20 about the buildings around the store that
21 bundle it and create the different identities
22 on the streets. Start first with what I call

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1 the Wisconsin building. It's a two-story
2 small shop first-floor. Community-oriented
3 office on the second floor. Was not in our
4 original plan, but today on the north parcel,
5 there is a second floor of community office
6 space for yoga, insurance, those kinds of
7 uses. Very important to the neighbors in
8 terms of a healthy kind of service to the
9 neighborhood. So, we put the second level on
10 here. You know, making that what we call flex
11 space and could accommodate those kinds of
12 tenants who don't need to be at the street,
13 but they do have customers and they need to
14 visit there on a regular basis.

15 VICE CHAIRMAN JEFFRIES: And you're
16 certain that there's sufficient demand for
17 that? I mean second floor office.

18 MR. HEAPES: Oh, yes.

19 VICE CHAIRMAN JEFFRIES: Okay.

20 MR. HEAPES: This is slightly
21 smaller than the existing and, of course, we
22 have talked to all of those existing tenants

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1 as well.

2 VICE CHAIRMAN JEFFRIES: Okay.

3 MR. HEAPES: And it's a different
4 kind of use than straight retail, but
5 neighborhood serving nonetheless.

6 Then leaves us two out of our three
7 residential buildings. We have a two-story
8 building here. One level of residential over
9 small shops. Very similar to what you see in
10 this environment here and then we have our
11 five-story building here. All retail on the
12 first floor and four levels of residential
13 above that.

14 Finally, the fifth building type is
15 eight single-family fee-simple townhouses in
16 the scale, character, size, type of what you
17 find up and down along Idaho.

18 So, those are the different
19 components. Each one of them relating to
20 where they find themselves be it Wisconsin,
21 Idaho, Newark, et cetera.

22 One of the issues that I'm sure

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1 you'll be hearing from some of the
2 neighborhood groups because we've been in lots
3 of conversations is how do you load the
4 supermarket. It's a big deal and, of course,
5 you know, in the supermarket design, we have
6 to deliver goods to the back of the store.
7 Different ways to do that.

8 Our proposal -- this is the current
9 condition which is a retaining wall for the
10 parking that exists there, a rather large berm
11 vegetated with tall trees and good vegetation.

12 Our proposal is basically to keep this
13 condition in place.

14 Right now, if you looked at that
15 condition, there's a car. There's the little
16 brick wall. Here's the berm going down and
17 that sets a height of the top of the cars
18 because we're coming in on Idaho. Our new
19 proposal is to come in straight on Idaho to
20 the back of the store where the top of the
21 trucks are below where the top of those cars
22 are today, replicate that wall and the berm

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1 situation and essentially drop the site rather
2 than raising the other circumstances.

3 So, what happens is -- here's the
4 new condition. Cut sideways through the
5 adjoining house this way. The house is the
6 same. The wall is the same height today. The
7 trucks are not above it. You can the berm and
8 the vegetation. That takes care of a good
9 portion of the mitigation.

10 What does it do? It does
11 completely screen the loading area from both
12 levels of the house. This little vision line
13 is from the second floor of the house.
14 Obviously, you can't see anything from the
15 first floor.

16 So, the berm combined with the wall
17 and the vegetation deals with the visual
18 issues of that loading area.

19 Now, there are the acoustical and
20 delivery and noise issues which are
21 significant.

22 The first strategy -- although

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1 what's there today is all of the loading is
2 under the building behind closed doors. So,
3 the typical grocery unloading, forklifts going
4 in and out of trucks and all that pallet
5 changing, et cetera, that is behind closed
6 doors and completely mitigated according to
7 code and beyond.

8 Then there's the issue of coming
9 into the space and sooner or later the trucks
10 got to back. We're backing on the street, but
11 you got to come in there and turn the truck
12 completely around and then you got to back
13 into the dock to use the dock. There's the
14 beeper and the noise that's associated with
15 that.

16 We have an acoustic expert here who
17 studied this and the findings are essentially
18 this. The 14-foot wall effectively mitigates
19 it, but a taller wall, solid, remember sound
20 doesn't go through solid, a taller wall
21 reaching up to 18-ish feet does mitigate the
22 sounds to the second level of both this unit

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1 and our units adjacent. We have the same
2 townhomes adjacent to this and so, we believe
3 that we have effectively mitigate the visual
4 and acoustic issues associated with the
5 loading in a manner that is consistent with
6 what's there today and I'm sure you'll have
7 questions for him.

8 So, that's the quick story on that
9 loading.

10 This is the character of the street
11 along there. You have the same wall as you
12 have today. The berm, the trees. We will
13 have a gateway that will be exposed to Idaho
14 Street that will open when the trucks are
15 there and then the character of the houses.

16 One point about the numbers that I
17 think you'll find interesting this is what's
18 there today and this is what's proposed in the
19 PUD. Two numbers I want you to focus on.
20 Obviously, we're doing a bigger grocery store.

21 That is the purpose of the development. The
22 difference between the grocery store we're

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1 proposing and that -- what's there today which
2 is the Giant and its pharmacy is about 30,000
3 square feet.

4 You'll see that we're not able to
5 add as much street retail as is there today
6 nor as much professional office. So, that at
7 the end of the day, we're talking about a net
8 add commercially of 20,000 square feet out of
9 a total of 140. So, we're looking at 15
10 percent increase in commercial.

11 The bulk of the new development
12 that we're talking about is the townhomes and
13 flats which is what bumps the development up
14 to 354 and when Mr. Wells speaks to you, the
15 issue of increase in traffic, increase in
16 parking, et cetera, I want you to remember
17 that and remember that most of the new
18 development is residential and it has a
19 different characteristic for traffic and
20 parking.

21 Quickly, we do believe -- our whole
22 practice and company is based on great

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1 sidewalks. We're going to make a commitment
2 to that no matter what happens and in
3 Bethesda, it started with eight-inch caliper
4 trees, but there does need, we think, the
5 opportunity for different open spaces to be
6 added to this at the scale of small
7 neighborhood spaces.

8 Now, that includes the berm area
9 here which is really a green amenity. It's
10 not meant to be active, a dog walk or
11 anything, but it does create an open network.

12 But, more importantly, we are interested in
13 the middle of our Newark experience to create
14 a small public space. We had lots of
15 conversation on security and eyes on the
16 street and how do you do this.

17 If any of you are familiar with
18 Kelly Park in New York, just one of the great
19 neighborhood pocket parks, that was really a
20 model of very small neighborhood size with
21 trees, pavement, water. We're proposing a
22 fountain. Loose chairs. All the things that

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1 you would just have on a neighborhood scale as
2 a place to be quiet and sit down and catch
3 your breath.

4 In addition to that, we are
5 proposing in the midst of both of our
6 residential buildings green roofs on the top
7 of the retail that create that amenity for
8 those users and that -- I wouldn't call it
9 recreation space, but open space where they
10 can occupy the space and be out and have a
11 green open space.

12 Having said that, let's quickly
13 walk through our initial thoughts on the
14 architecture and the character of the
15 buildings. Probably the most important thing
16 to say is that each building is on a different
17 street, has a different use in it and has a
18 different character as the different buildings
19 in this district do. There is not one
20 architecture that we're proposing.

21 We all proposing along Wisconsin
22 where the current Murphy Giant store is a two-

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1 story version of that that's horizontal with
2 some suggestion of that kind of Deco
3 materials. We want to use the same color
4 brick, the same metal reflective. We are
5 proposing to replicate the store fronts that
6 are there today with their kind of character
7 and remembrance and to bring back and use some
8 of the Giant Food letters and replicate an
9 update what's there today in that building
10 with the office over the retail.

11 Moving around Newark to our two-
12 story residential retail building taking our
13 clues from what's going here on Macomb, we are
14 proposing a two-story building nearest the
15 entrance to Giant by the way, around the
16 corner. A two-story building with small shops
17 and a kind of matter of fact brick, a little
18 more industrial. These are more -- they're
19 likely to be rental units and a little more
20 loft-like in their character and just kind of
21 a straightforward version of what's going on
22 there today. They step down the hill the same

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1 way that they used to over on Macomb.

2 That is by the way the core that
3 would take you down to that lower level
4 parking should you park in or out here to the
5 sidewalk.

6 The residential buildings along
7 Idaho, as I mentioned, there's a number of
8 kind of styles and characters of single family
9 and two family and attached row houses in the
10 neighborhood. We chose what I would call
11 Spanish revival twist which are all around the
12 site as a way of these buildings being
13 completely different from anything else on the
14 site. You don't know when they were built
15 necessarily and they are in the character of
16 these which are essentially across the street
17 -- the site.

18 Finally, as the character of the
19 bigger building on Wisconsin, after much
20 conversation particularly with OP, we really
21 studied what is the character of the
22 residential buildings up and down that

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1 Wisconsin corridor from the Cathedral coming
2 this way and there were, in my mind, two types
3 of building. There was the smaller individual
4 buildings that had a certain character.
5 They're five and six stories and then there
6 were the larger complexes like Alvin Towers
7 which also broke themselves into smaller
8 modules of buildings. Not individual houses
9 or any of that, but just kind of a medium
10 scaled nice scaled modulation along Wisconsin.

11 So, our proposal particularly along
12 the Wisconsin facade was to develop simple,
13 but strong corner buildings. Remember this is
14 a triangular site. So, there's a great
15 geometry there and modulating the buildings
16 into several buildings.

17 Same thing on the other side. Two
18 building modulated along that side and, of
19 course, along Newark because of the change in
20 massing, we have a different scale with
21 bookend buildings on the end and the low-rise
22 retail space into the courtyard.

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1 Just a quick walk through the site
2 from where we started. This is looking down
3 Newark at the new Giant. That's the two-story
4 building with the entrance to Giant around the
5 corner and two-story residential. The corner
6 now goes from this to a more significant
7 building with the three buildings along
8 Wisconsin. Retail all along the first floor.

9 Likewise looking up Newark from the
10 neighborhood, there's the Giant at the corner,
11 the new two story, the new townhouses.

12 Along Newark, the character of
13 Newark now is much more pedestrian balanced.
14 There's our little public space in there and
15 finally, the renovation redistribution of
16 Wisconsin Avenue.

17 If I was going to summarize, I
18 would say there's ten things. We think this
19 plan reestablishes the neighborhood anchor in
20 the place a la the grocery store in a way that
21 minimizes the negative visual impacts of that
22 anchor. It also centralizes a significant

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1 parking facility underneath the store for the
2 neighborhood while minimizing the expected
3 negative impact of such a large parking
4 structure.

5 Furthermore, it's viewed as a
6 collection of buildings that try to reflect
7 their location and their use and the
8 neighborhood's eclectic character. Certainly
9 reestablishes vibrant sidewalks in the
10 district. Sets a new standard there and adds
11 additional community open spaces.

12 In addition, adds to the
13 neighborhood a diversity of three types of
14 residential uses that aren't currently on the
15 site today.

16 And so, that is a quick summary of
17 the key design points urban and architecture
18 and as I know you're all anxiously awaiting,
19 I'll pass off to Mr. Wells. Thank you very
20 much.

21 MR. WELLS: Good evening. I'm
22 Marty Wells, but apparently you know that.

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1 Chris Kabatt is with me this
2 evening and we were retained by Giant to
3 evaluate the traffic, parking and delivery
4 truck impacts of the PUD that's before you
5 this evening.

6 Richard has a graphic that shows
7 the existing site and from a transportation
8 point of view, I would point out that there
9 are eight driveways, count them, eight. There
10 are five on Newark, two on Wisconsin and one
11 on Macomb or 38th Street. Excuse me.

12 There are traffic signals at Newark
13 and Macomb. There is no signal today at
14 Norton Place or at Idaho. There are
15 crosswalks. There's a marked crosswalk on the
16 south side of Norton Place and crosswalks also
17 at Macomb and Newark Street.

18 With regard to parking, today there
19 are 278 spaces that serve the site. Forty-
20 five on the north parcel. Two hundred and
21 thirty-three on the south parcel. One of
22 Richard's images showed the spaces that are 40

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1 in number that are reserved for three-hour
2 neighborhood -- three-hour parking for
3 neighborhood businesses.

4 There's also about 60 curb parking
5 spaces around the parameter of the site.

6 With regard to our traffic study,
7 it was extensive. We looked at the eight site
8 driveways, 22 off-site interactions and eight
9 links. By way of context, this site is served
10 by a connected network of streets.

11 Wisconsin Avenue is a principle
12 arterial that carries roughly 30/31,000
13 vehicles per day. Interestingly both on
14 weekdays and on Saturday.

15 Porter is a minor arterial.
16 Carries about 46 to 5800 vehicles per day.

17 Macomb is a collector.

18 Newark and Idaho and the other
19 streets are local streets that carry more
20 modest traffic volumes as shown there.

21 Again, with regard to parking,
22 there are 45 on the north parcel, 233 on the

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1 south parcel.

2 This is a transit site. It's not a
3 Metro site, but the site is well served by
4 four well-used Metro bus lines. The WMATA
5 operates interestingly over 400 buses a day on
6 these four lines and that's during the
7 weekdays. On the weekends, it's 275 to 300.
8 These lines combine to carry over 24 or nearly
9 24,000 riders on weekdays and 9 to 12,000
10 riders on Saturdays and Sundays. There are
11 bus stops that are conveniently located here.

12 With regard to trip generation, if
13 you count all the trips going in and out of
14 the site and all eight driveways, the existing
15 uses generate roughly 450 or so trips during
16 the P.M peak hour which is the critical
17 weekday peak hour and the midday Saturday peak
18 hour.

19 Now, about two-thirds of the retail
20 spaces are occupied. A third is not occupied.

21 If that were occupied and generating traffic,
22 we would estimate that the existing uses on

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1 the site today would generate roughly 600
2 weekday P.M. peak-hour trips and 750 Saturday
3 peak-hour trips.

4 The PUD that's before you this
5 evening would generate a grand total of
6 roughly a thousand trips both during the
7 weekday P.M. and Saturday midday.

8 I would point out interestingly
9 that the residential trips are a small
10 percentage of the total trips generated by
11 this project. It's the commercial uses that
12 drive the traffic story here.

13 With regard to levels of service,
14 Commissioner Hood, you've heard me make this
15 kind of presentation before. Shown here is
16 the existing weekday P.M. peak-hour levels of
17 service. I've shown A through C in green. D
18 in yellow. E in orange and F in red and we
19 have a very green story here. All of the
20 study intersections operate at good levels of
21 service and all of the approaches operate at
22 good levels of service defined as D or better

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1 with a handful of exceptions.

2 In the future because we are
3 recommending a new signal at Idaho and
4 Wisconsin and converting Idaho from a one-way
5 street to a two-way street which would permit
6 the supermarket traffic and other retail
7 traffic, residential traffic, it would give
8 them three ways out to Wisconsin. Whereas
9 today, they have two and other improvements.

10 Each of these intersections will
11 operate at level of service D as will all of
12 the intersection approaches. Saturday has a
13 very similar story. I won't belabor the point
14 and in terms of the ability of the street
15 network to accommodate this traffic, we're
16 projecting that levels of service could be
17 mitigated back to D or better.

18 Our findings regarding intersection
19 levels of service for existing conditions for
20 the three intersections that are identical
21 between our study and DDOT's Wisconsin
22 Corridor Transportation Study are nearly

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1 identical. Nearly identical.

2 With regard to improvements, we're
3 recommending a series of them. Firstly, to
4 convert Idaho from a one way I'll call it
5 southwest bound to a two-way operation. To
6 modify the curbs to permit tractor trailer
7 trucks to turn on and off of Wisconsin Avenue
8 onto Idaho and access the truck loading berth
9 and we have swept area diagrams that
10 demonstrate that that -- they can be
11 accommodated.

12 We recommend installing a new full
13 movement traffic signal at Idaho and
14 Wisconsin.

15 We propose to with DDOT's
16 permission, of course, to remove that existing
17 crosswalk and at the un-signalized location at
18 Norton Place and to accommodate pedestrians
19 crossing Wisconsin in marked crosswalks aided
20 by a signal at Idaho.

21 We're consolidating driveways.
22 We're going from eight to five which is a good

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1 thing.

2 We're improving the parking and
3 loading conflicts. In fact, we're eliminating
4 the conflicts.

5 And we're recommending optimizing
6 the signal timings to reduce delay at a
7 handful of locations.

8 And finally, we're hedging our
9 bets. We think we're right in our study. In
10 the event that there are unanticipated traffic
11 problems that we don't anticipate today, Giant
12 will escrow \$100,000 that would go towards
13 traffic calming measures if and when such
14 problems materialize in the future.

15 With regard to parking, the
16 Municipal Regulations require a total of 512
17 spaces. Giant, in fact, is proposing to build
18 a total of 535. A handful of spaces above the
19 code minimum and this chart shows how many
20 would be allocated to the residential uses
21 versus the commercial uses.

22 In terms of the commercial

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1 component of the project, 388 spaces are
2 proposed. That's on the south parcel. So,
3 all of the parking for both the north and the
4 south parcel commercial uses would be
5 consolidated on the south parcel in the
6 parking garage.

7 With regard to loading, your code
8 for the entire project requires seven loading
9 berths and we're proposing to provide those
10 berths as shown here. They're in the Giant
11 loading dock off of Macomb and on the north
12 parcel -- that's on the south parcel. On the
13 north parcel, they're off of Idaho.

14 Seven are required. Seven will be
15 provided and four service bays are required.
16 Four service bays will be provided.

17 We do have a truck management plan.
18 Giant or the property will have a loading
19 dock coordinator. There will be a quiet zone.
20 Prohibit deliveries between 9:00 p.m. and
21 7:00 a.m. All deliveries and trash services
22 would be directed to the loading dock

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1 facilities.

2 It's not our wish to load off the
3 street. We're taking measures to prevent
4 that.

5 We will provide recommended
6 circulation routes basically to route the
7 large trucks to Wisconsin Avenue where they
8 belong. Keep them off of the neighborhood
9 streets where they don't belong.

10 We'll provide -- the Applicant will
11 provide a representative's phone number to the
12 ANC which is the community.

13 Truck idling would not be permitted
14 and the loading activity would be monitored.

15 With regard to a traffic management
16 plan, DDOT has requested and Giant agrees to
17 providing three car sharing spaces in the
18 south parcel garage, giving a \$20 SmarTrip to
19 the initial residents of the project. Bicycle
20 parking and storage will be provided.
21 Information on the extensive bus services will
22 be provided and carpooling use would be

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1 encouraged.

2 Finally, with regard to parking,
3 the north parcel would have 124 spaces which
4 would be dedicated to the residents. The
5 townhouses would have -- the eight townhouses
6 would each have two parking space. The south
7 garage -- south parcel would have a total of
8 395 spaces for commercial, employees and
9 customers of both parcels both the north and
10 the south, residents of the south parcel flats
11 and guests of residents of both parcels and 30
12 spaces would be made available to customers of
13 existing neighborhood retail and service
14 establishments and 30 spaces for community
15 overnight parking. I think those are the same
16 30 spaces.

17 And that concludes my prepared
18 remarks.

19 MR. FEOLA: Mr. Chairman, our last
20 witness is Julia Craighill of Steven A. Winter
21 to talk about Giant's commitment to
22 sustainable features in this project. Ms.

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1 Craighill.

2 MS. CRAIGHILL: Good evening. I
3 was hired by Giant to evaluate and identify
4 the sustainable features that are part of this
5 project.

6 I'm an employee of Steven Winter
7 Associates. We are an 85-person firm with
8 offices in D.C., Connecticut, New York City,
9 Boston and St. Louis.

10 Steven Winter Associates has been a
11 long-time leader in green building
12 sustainability and more broadly building
13 performance issues. For 35 years, they've led
14 this field.

15 Steven, himself, was chairman of
16 the U.S. Green Building Council which
17 developed the LEED rating system from 1999 to
18 2003 and he is currently the Chairman of the
19 LEED for Homes Committee.

20 You're seen my résumé. I'm an
21 architect. I've worked as a general
22 contractor and was a director of

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1 sustainability for a development company.

2 When looking at this project, we
3 wanted to choose the benchmark systems that
4 would best fit this project. So, we chose
5 LEED for Neighborhood Development and LEED for
6 Homes.

7 LEED for Neighborhood Development
8 has been the first national system evaluating
9 sustainability on a neighborhood level. It
10 integrates smart growth, green design and new
11 urbanism concepts. It really enforces healthy
12 living with compact walkable and mixed-use
13 communities.

14 LEED for Homes is a rigorous
15 standard rather new that promotes resource
16 efficiency, construction durability and health
17 indoor air quality among other things.

18 We felt that this was well suited
19 to evaluate this site because they have
20 perfected the -- they have a mid-rise
21 benchmark system that also accommodates multi-
22 use. We can move back and I will come back to

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1 that.

2 In the site features which were a
3 lot of what we looked at for -- in the LEED
4 for Neighborhood. What this project has is a
5 lot of sort of cutting edge low impact water
6 management features that encourage
7 infiltration thereby restoring the natural
8 site hydrology, return water, retain water for
9 reuse as you can see here and provide
10 amenities for the users.

11 So, we have shown here cisterns for
12 rainwater harvesting and reuse, green roofs
13 that have been mentioned before and pervious
14 paving.

15 In regard to stop and shop, back in
16 2001 the parent company Ahold gave them a
17 directive to develop a more environmentally
18 low impact prototype and they really did this
19 up right. In the early days, they got a group
20 of experts together and developed a very
21 progressive model called LESS. That's not up
22 here, but that's by way of background.

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1 In more recent history, they in
2 2007 were awarded the Energy Star Partner
3 Achievement Award for achieving a score of 90
4 across their entire portfolio out of 100. If
5 100 is the best, their entire portfolio is at
6 90 in terms of energy efficiency.

7 They also have partnered with EPA
8 on the SmartWay Transport Partnership which is
9 their fleet. So, they are attacking
10 sustainability both from a building
11 perspective as well as from an operations
12 perspective.

13 Then in 2008 last year, they were
14 awarded the LEED Portfolio. This is LEED EB
15 for Existing Buildings Portfolio Volume
16 Certification and in white are the -- some of
17 the attributes that are part of that program
18 that they were in. So, they're building
19 related items like skylights and high
20 efficiency lighting, high efficiency
21 compressors and HVAC, but there are also
22 operational sustainable measures that they've

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1 taken with plastics recycling, a 5 cent bag
2 buy back and not up there, but I found very
3 interesting an organic composting program that
4 they've initiated.

5 So, I think I would like to
6 conclude in this brief presentation that
7 looking at this project both through the lens
8 of LEED for Neighborhood and LEED for Homes,
9 we found that intrinsic in this project would
10 certainly be a level of certification and it's
11 very schematic right now, but as it was
12 developed probably silver.

13 MR. FEOLA: Thank you, Mr.
14 Chairman. Just to summarize a lot of what you
15 heard, we believe this PUD brings to this
16 community many things that this community
17 looks for, but in particular in satisfying the
18 Zoning Regulations and the PUD Regulations, it
19 brings affordable housing and housing in an
20 in-fill neighborhood site with a good open
21 design and landscaping, efficient economical
22 site planning, safe vehicular and pedestrian

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1 circulation with an extraordinary amount of
2 environmental benefits well above what would
3 be done as matter of right.

4 We're providing a full-service
5 grocery store and quite a bit of neighborhood
6 serving retail bringing revenue and a First
7 Source Program to the city.

8 As we have stated and I won't
9 repeat here in our application, in our
10 prehearing submission and as outlined in the
11 Office of Planning report, we believe the
12 project is completely consistent with the
13 District of Columbia Comprehensive Plan.

14 And we have 43 seconds left. So,
15 and that's all for our direct testimony, sir.

16 We have all the other experts and others on
17 the team available for questions.

18 CHAIRMAN HOOD: Okay. Thank you
19 all very much.

20 Now, I will bring up the Honorable
21 Councilmember from Ward 3, Honorable
22 Councilmember Cheh. If you would like to come

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1 up and provide us testimony and you're more
2 than welcome to stay with us the rest of the
3 evening, but we wanted to go ahead and take
4 care of your schedule.

5 COUNCILMEMBER CHEH: Thank you very
6 much, Mr. Chairman and Commissioners,
7 certainly for this indulgence of allowing me
8 to make my statement at this time.

9 I want to thank you all. The
10 Chairman and all the Commissioners in general
11 for the very fine work and hard work that you
12 do all the time and the city is very
13 appreciative.

14 I also want to thank all of the
15 community groups and the individuals, the
16 neighbors, the ANC and all of those who have
17 worked really hard to analyze this project and
18 come before you today to present their views
19 about it and, of course, I want to thank Giant
20 because I'm grateful to Giant for its
21 willingness to come back to Ward 3 and invest
22 in the community and to develop these

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1 properties as they've described in the
2 presentation.

3 Now, as you know, I strongly
4 support this project and wrote to the
5 Commission in November outlining the reasons
6 why I do and I will allow that letter to speak
7 for itself.

8 As I said in part in the letter,
9 that district and the Ward 3 in particular
10 need smart growth along the corridors and it's
11 in the public interest I believe to have
12 bustling and energetic retail options, to have
13 a vibrant, robust public life and to have
14 attractive amenities. All of which are
15 illustrated in this project.

16 And indeed another factor for me
17 which is very strong is the environmentally
18 progressive nature of this development and in
19 this instance in this development the anchor
20 will be a first-class food store. An amenity
21 that this community has yearned for for years.

22 It's yearned for this for years.

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1 Now, it's in the nature of things,
2 of course, that you will have opposition to
3 development and I'm here tonight to be
4 respectful of that opposition, but I wanted
5 nevertheless to make my statement to put it in
6 context, to put it in perspective.

7 I do not believe that the
8 opposition represents the broad-based view of
9 the community, of Cleveland Park or of Ward 3
10 and I want to tell you why I think I can make
11 that statement with some authority and some
12 confidence.

13 As you know, I do represent Ward 3.

14 I'm the elected representative of Ward 3 and
15 the people in this room who are from Ward 3
16 know full well that I am out in the community
17 all the time which is why I thought maybe you
18 were trying to get rid of me to send me back
19 to the community and I listen to the residents
20 and they talk to me all the time. They
21 communicate with me all the time. I seek
22 their views all the time and I can tell you

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1 and I can report with confidence that there is
2 broad-based support for this development
3 project.

4 In addition, I want to give you
5 some further background. When I campaigned
6 for office over two years ago, actually the
7 campaign seemed like it was forever, over two
8 years ago, I specifically campaigned on a
9 smart growth environmentally progressive
10 platform and indeed, Giant, the Giant that we
11 have now, and the need for development along
12 that corridor was a central issue for me. I
13 used the Giant as Exhibit A in the need to
14 have invigorated development along the
15 corridors and my views found their mark and,
16 in fact, the voters supported me.

17 In fact as people in Ward 3 may
18 recall, in the general election, my opponent
19 made it a signature issue that that was my
20 position, smart growth, environmental
21 progressive development and I must tell you
22 that the voters overwhelmingly put me in

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1 office.

2 So, my message is simple tonight.
3 Aside from the letter and the specifics and so
4 on, I would ask the Commission as they hear
5 the proceedings as they go forth to keep in
6 mind this point and the point is rather
7 simple. Inevitably, you will hear opposition,
8 but you have to put it in context. Sometimes
9 opponents are vehement. Sometimes opponents
10 can raise their voices. Sometimes they can be
11 more organized, but I can tell you from my
12 perspective as the elected representative of
13 Ward 3, they are not representative of the
14 broad-based view of the people of Ward 3 or
15 even the direct community.

16 So, I would ask that you approve
17 this project and when you approve it, I think
18 you will be serving the public and you will
19 serving the public interest.

20 Thank you.

21 Now, in the Council, we would say
22 there should be no demonstrations.

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1 CHAIRMAN HOOD: Yes, well, since we
2 have our --

3 COUNCILMEMBER CHEH: I don't know
4 what your procedures are here.

5 CHAIRMAN HOOD: Since we have our
6 oversight hearing coming up next week, we'll
7 let that pass as you were speaking.

8 COUNCILMEMBER CHEH: Okay. Fair
9 enough. Fair enough.

10 CHAIRMAN HOOD: Okay. Let's do
11 this, colleagues. Any questions of the
12 Councilmember from Ward 3? Any questions?
13 Thank you very much for taking the time to
14 come --

15 COUNCILMEMBER CHEH: Thank you very
16 much and thank you for your intelligence.

17 CHAIRMAN HOOD: -- offer testimony.
18 Thank you very much.

19 Again, we don't want you to rush
20 off, but if you have to leave, we understand.

21 Okay. Do we cross examine? Okay.
22 Well, I've never done that. I've been here

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1 12 years, but anyway, I'm told Councilmember
2 that you have to come back. We have to go
3 through cross examination. Okay. We've
4 actually never done that before.

5 Okay. Let me ask. Does any of the
6 -- does the ANC -- does the Applicant have any
7 cross examination?

8 MR. FEOLA: No, sir.

9 CHAIRMAN HOOD: Does the ANC 3C
10 from Ms. Baristow, I'm sorry, have any cross
11 examination? Okay. Does Mr. Davis from AWARE
12 have any cross examination? Okay. Does Ms.
13 Sclafani have any cross examination?

14 MS. SCLAFANI: No, Mr. Chairman.

15 CHAIRMAN HOOD: Okay.

16 MS. SCLAFANI: Everything we have
17 we've already stated in our written --

18 CHAIRMAN HOOD: Okay. Okay. Just
19 wanted to see if you had any questions, cross
20 of the Councilmember. Does Mr. Isaacs have
21 any cross examination?

22 MR. ISAACS: No, sir.

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1 CHAIRMAN HOOD: Okay. Mr. Haines
2 have any cross examination?

3 MR. HAINES: No, sir.

4 CHAIRMAN HOOD: Mr. Espenschied
5 have any cross examination?

6 MR. ESPENSCHIED: No, sir.

7 CHAIRMAN HOOD: Mr. O'Sullivan have
8 any cross examination?

9 MR. O'SULLIVAN: I don't.

10 CHAIRMAN HOOD: Okay. Good. Thank
11 you very much again, Councilmember.

12 COUNCILMEMBER CHEH: You got my
13 hopes up.

14 CHAIRMAN HOOD: Okay. Yes, we
15 don't want to have to come back. Okay.
16 Again, we want to thank the Councilmember.

17 Mr. Feola, if you all can come
18 back, we're going to have our questions and
19 what I'm going to ask my colleagues to do,
20 we're going to do eight-minute rounds and I
21 would ask that we not go over our rounds
22 because if need be we will go back and do

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1 another round with less time.

2 The other thing that I would like
3 to do is at about 9:15 or 9:30, we can --
4 roughly by 9:15 or 9:30 depending upon where
5 we are, we will probably go -- depending upon
6 where we are, maybe tonight unless I hear
7 something different, maybe by 11:30, but we'll
8 see where we are. If I see people dozing off
9 and everything, we'll come -- but, what I'll
10 ask is that, Ms. Schellin, if we can start
11 coming up with another date.

12 We're going to try to do this as --
13 we want to move through these cases as quickly
14 as possible. We don't want them to last for
15 three or four months. So, we're going to try
16 to find a date as soon as possible. We may
17 have to look at an alternative date which
18 maybe on Wednesday or something so we can get
19 through this case as we're trying to do. We
20 don't like for them to linger on.

21 Okay. Who would like to start us
22 off first?

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1 MR. FEOLA: Mr. Chairman, one note
2 because you may not be able to see them, but
3 we -- in our last supplemental filing, we had
4 a material sample -- pictures of material
5 samples. Well, we have them here on the floor
6 in front of you.

7 CHAIRMAN HOOD: Oh. Okay.

8 MR. FEOLA: So, we can pick them up
9 if there are questions about that.

10 CHAIRMAN HOOD: Okay.

11 MR. FEOLA: But, it was -- should
12 we bring them up for Commissioner May now?

13 COMMISSIONER MAY: Yes, I can keep
14 myself busy touching those for a little while
15 and all those --

16 MR. FEOLA: I'll do that while you
17 start the questions of the other --

18 CHAIRMAN HOOD: Okay. Who would
19 like to start us off? Commissioner Turnbull.

20 COMMISSIONER TURNBULL: Thank you,
21 Mr. Chairman. I guess I want to first go back
22 to -- and I -- there wasn't a lot of

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1 discussion on it. There's two drives off of
2 Macomb. Is there but one drive to a parking
3 -- to a loading dock and I couldn't tell how
4 that really worked. There was nothing really
5 said about how traffic gets in and out on
6 that.

7 MR. HEAPES: This is the current 30
8 -- I know. How do I do this? Can I hold it?
9 Will this work? Sure.

10 CHAIRMAN HOOD: Do we have the
11 hand-held mike?

12 MR. HEAPES: Works for me.

13 CHAIRMAN HOOD: Okay.

14 MR. HEAPES: There's the current
15 existing 30th Street which was there today and
16 is actually how you get to the existing Giant
17 parking lot as you do today.

18 Then there's an existing public
19 alley here which is I believe probably what
20 you're --

21 COMMISSIONER TURNBULL: Right.

22 MR. HEAPES: -- thinking about.

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1 Which brings us back to a single berth loading
2 area to handle this building. So, yes, there
3 are --

4 COMMISSIONER TURNBULL: How big of
5 a truck is going in there?

6 MR. HEAPES: We can get -- typical
7 delivery panel trucks is what we would expect
8 to get here. So, yes, we can get a trash
9 truck, very important, in there, backed out,
10 turn and out and we can get the typical
11 Federal Express, UPS delivery truck in there
12 and out. We obviously cannot do a 55-foot
13 semi back there.

14 COMMISSIONER TURNBULL: Did you
15 diagram the turning radiuses and all that?

16 MR. HEAPES: Yes, we did. Would
17 you like to see them?

18 COMMISSIONER TURNBULL: Yes. I
19 guess my next question is -- I mean you gave a
20 very -- I want to compliment you, Mr. Heapes,
21 on a very well-organized presentation as you
22 went around the site. I think that was very

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1 helpful in showing the relationships to the
2 different neighborhoods and what you were
3 trying to accomplish.

4 What happens down on Idaho?
5 Idaho's got a minus 20 elevation. What
6 happens with runoff water? You talked about
7 changing -- you're raising the -- it sounds
8 like you're raising the height of the berm a
9 bit. You're raising the fence and --

10 MR. HEAPES: I would word it
11 differently to your point. The berm's the
12 same height.

13 COMMISSIONER TURNBULL: The berm's
14 the same height.

15 MR. HEAPES: The berm grade is now
16 being lowered to Idaho level. So, as a
17 retaining wall behind the berm behind the
18 retaining wall is now down to Idaho level if
19 that makes sense.

20 So, the berm itself is the same
21 height as it is today. Now, it is a retaining
22 wall literally holding up the Giant parking

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1 lot.

2 COMMISSIONER TURNBULL: Mr. Heapes,
3 maybe you should show that section.

4 MR. HEAPES: I will. To go back
5 for a second, this is the turning movements
6 off of Macomb where you can come in and
7 actually pull forward, pull back to the
8 loading area which is here.

9 We do have the ability as you see
10 upon leaving to store a truck here. I would
11 not go so far as to say that's a two-berth
12 loading bay, but you can have a truck waiting
13 to unload and store a truck there and have
14 access to leave.

15 Is that clear?

16 COMMISSIONER TURNBULL: Okay. Now,
17 that's totally covered then as a truck goes
18 underneath?

19 MR. HEAPES: Yes, that's completely
20 covered. All of our loading is covered and
21 behind doors.

22 COMMISSIONER TURNBULL: Okay.

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1 MR. HEAPES: Which is, I think, a
2 very important component of managing that
3 messy part of the noise.

4 COMMISSIONER TURNBULL: So, from
5 the standpoint of being at a low elevation on
6 Idaho --

7 MR. HEAPES: Okay.

8 COMMISSIONER TURNBULL: -- any
9 runoff, any water is contained on your site?

10 MR. HEAPES: I'm going to ask
11 Boller to please answer that. Where is Adam?

12 MR. VOLANTH: Right here. Adam
13 Volanth of Boller Engineering. Sorry about
14 the ears. Twenty-two six thirty Davis Drive,
15 Sterling, Virginia.

16 With the development, runoff will
17 be contained from that area going towards
18 Idaho. Will be contained, managed on-site
19 before then being discharged through the storm
20 drain system --

21 COMMISSIONER TURNBULL: Okay.

22 MR. VOLANTH: -- in Idaho.

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1 COMMISSIONER TURNBULL: Has any of
2 the runoff -- I mean we talked about LEED and
3 -- is any of the runoff from the roofs being
4 reused then on the site?

5 MS. CRAIGHILL: Now, the green roof
6 -- the green roofs as you know will mitigate
7 some of the water, cleanse it and that is a
8 good candidate. We showed a rainwater
9 harvesting and that -- so, that would be a
10 very good candidate for that kind of use
11 because you've already got that cleansing
12 action happening naturally through the green
13 roof.

14 So, yes, those types of strategies
15 are planned.

16 COMMISSIONER TURNBULL: Okay. Yes.

17 MR. VOLANTH: Excuse me. If I may.
18 There also are -- we haven't finished the
19 final design of that to that level, but there
20 are opportunities for rainwater collection in
21 the cisterns to be reutilized outside for
22 irrigation and other practices as well.

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1 COMMISSIONER TURNBULL: Okay. When
2 we talked about the bus lines, where are the
3 stops going to be now on the site for buses?
4 How does that --

5 MR. WELLS: We've engaged WMATA in
6 discussions about possibly moving the bus
7 stops that are on Newark Street now, but
8 there's no agreement --

9 COMMISSIONER TURNBULL: Okay.

10 MR. WELLS: -- to do that.

11 COMMISSIONER TURNBULL: I was just
12 curious.

13 MR. WELLS: Likely they will --

14 COMMISSIONER TURNBULL: Are buses
15 going on Newark now?

16 MR. WELLS: Yes, and likely they
17 would stay there and they -- WMATA uses Newark
18 as a turnaround for a couple of their lines.

19 COMMISSIONER TURNBULL: Okay.

20 MR. FEOLA: Commissioner Turnbull,
21 just so -- if you are interested, which you
22 obviously are since you asked the question, in

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1 our application dated May 16th, 2008, there is
2 a complete storm water management LID program
3 in there.

4 COMMISSIONER TURNBULL: Yes.

5 MR. FEOLA: And it's -- they're
6 sheets C106, 107 through 200.

7 COMMISSIONER TURNBULL: Okay. I
8 guess what I was concerned about the runoff
9 was primarily the townhouses down on Idaho and
10 how even -- we worry about the sound. We
11 worry about acoustics and I can appreciate
12 that and any kind of emissions from trucks,
13 but I was just concerned about water since
14 there was such dramatic change. I know you've
15 made the cut. You've done some things a
16 little bit differently than what the site is
17 now.

18 MR. FEOLA: Right.

19 COMMISSIONER TURNBULL: But, I was
20 just concerned about the long-range affect of
21 anything on those townhouses, those homes down
22 there.

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1 The Giant store, the curved
2 entrance on Wisconsin, the big circular part,
3 that is part of the store. Right?

4 MR. HEAPES: No.

5 COMMISSIONER TURNBULL: That is
6 not.

7 MR. HEAPES: The notion is that --
8 you can kind of see the box of the store here
9 if your would.

10 COMMISSIONER TURNBULL: Right.

11 MR. HEAPES: This is the separate
12 building of which the first floor is retail.

13 COMMISSIONER TURNBULL: So,
14 although it says Giant on the side of the
15 building there, that's really not part of the
16 store itself.

17 MR. HEAPES: No, it's not. The
18 technical entry door is to --

19 COMMISSIONER TURNBULL: Is back.

20 MR. HEAPES: -- like right there.

21 COMMISSIONER TURNBULL: Right.

22 Okay.

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1 MR. HEAPES: And the notion was to
2 give them visibility to their sign without
3 necessarily having the blank walls and all the
4 stuff that goes with entrance to the store.

5 COMMISSIONER TURNBULL: Okay.

6 MR. HEAPES: And that's very
7 similar to the way it is today. Today the two
8 Giant Food signs on a corner and yet the
9 entrance to other store is kind of to the
10 store.

11 COMMISSIONER TURNBULL: Okay. How
12 much bike parking -- bicycle parking is there
13 going to be? Storage. Bike racks.

14 MR. HEAPES: We have a unique --
15 unique opportunity here with that. I'm going
16 to call it the 38th Street level which is the
17 parking level below which has cores and we've
18 set up really the whole length of the sidewalk
19 to have as much bicycle storage as we can have
20 and need.

21 So, the implications here is
22 although this isn't Metro, it needs to be as

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1 multi-mobile and neighborhood serving as it
2 can be. There are a lot of people who come
3 here by foot and bicycle. So --

4 COMMISSIONER TURNBULL: Okay. I
5 was just curious because LEED calculates that
6 in a couple of ways. Whether it's --

7 MR. HEAPES: Yes, and I don't --

8 COMMISSIONER TURNBULL: -- 5
9 percent of FTEs plus and I was just wondering
10 what range you're going for.

11 MR. HEAPES: -- remember how many.

12 MS. CRAIGHILL: And the different
13 systems have different --

14 COMMISSIONER TURNBULL: Right.
15 Ways of doing it.

16 MS. CRAIGHILL: Yes, and different
17 counts. But, I think that they -- we can
18 safely say that they are planning on meeting
19 or exceeding the LEED requirements --

20 COMMISSIONER TURNBULL: Okay.

21 MS. CRAIGHILL: -- for that.

22 MR. HEAPES: Just to give you a

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1 quick example. Here's that parking lot also.
2 This is street level. Do you want to call it
3 that?

4 COMMISSIONER TURNBULL: Right.

5 MR. HEAPES: And Macomb.

6 COMMISSIONER TURNBULL: Yes.

7 MR. HEAPES: You can walk on the
8 sidewalk over here and we would see you
9 walking across there to the core that takes
10 you upstairs.

11 Our intention is to really use this
12 whole area here for bicycle storage as much as
13 possible.

14 COMMISSIONER TURNBULL: Is that for
15 not only -- for -- what about -- is that left
16 for residents, for customers?

17 MR. HEAPES: That's open -- open
18 for everybody. We use -- we view garage as a
19 grocery oriented public parking. Meaning that
20 it will be opened. We've had conversations
21 with adjacent neighbors using that at night
22 for parking in the neighborhood and being an

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1 asset to the neighborhood within the reason of
2 it working.

3 That's the reason we have two
4 levels. We have this first level under the
5 store as the one connected with the
6 vermaports. When you go down to the level
7 below, you don't actually go up from that
8 level into the store. You go up this core and
9 that core to the street. So, it's almost like
10 you have supermarket parking and then mixed
11 parking below that.

12 It was really fundamental to us to
13 consolidate the parking so that those spaces
14 get used eight times a day from early morning
15 to early night as much as possible. I've
16 already mentioned right side. That include
17 Smartcars, Zipcars, bicycles, smart bikes.
18 any kind of interaction with the public is to
19 happen in that garage.

20 COMMISSIONER TURNBULL: Okay.
21 Great. Thank you.

22 COMMISSIONER KEATING: I'm sorry.

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1 Could I just follow on the -- could you go
2 over the bicycle parking again.

3 MR. HEAPES: Okay.

4 COMMISSIONER KEATING: You lost me
5 on --

6 MR. HEAPES: This is kind of a
7 section for the site if you would.

8 COMMISSIONER KEATING: Yes.

9 MR. HEAPES: At Newark level/38th
10 Street. Here at 38th Street today, you're
11 going to come in and now, you're in this
12 parking area and you're underneath the store.

13 Okay. Which is up on Wisconsin level or you
14 come in this way. We're proposing that this
15 whole area rather than being parking stalls
16 which we'd be backing out into traffic and
17 causing a lot of confusion be the place that
18 the bicycle racks go. So, it's as if you're
19 parking on the street. You're underground.

20 We also have access -- I'm sorry.
21 For certain --

22 COMMISSIONER KEATING: So, the

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1 entry off of Newark which goes down into --

2 MR. HEAPES: You're going down and
3 coming right here.

4 COMMISSIONER KEATING: You go down.

5 MR. HEAPES: Yes.

6 COMMISSIONER KEATING: Does that go
7 all the way through and out on 38th Street?

8 MR. HEAPES: You could.

9 COMMISSIONER KEATING: You could.

10 MR. HEAPES: Yes, you could.

11 COMMISSIONER KEATING: And that is
12 above --

13 MR. HEAPES: Kind of like today.

14 COMMISSIONER KEATING: But, it's
15 above the loading dock in the rear?

16 MR. HEAPES: You're getting it.

17 COMMISSIONER KEATING: Now, I'm
18 following you.

19 MR. HEAPES: You're getting it.

20 COMMISSIONER KEATING: Okay. One
21 other thing, I guess I -- the clock's ticking.
22 I was just following out. Oh, all right.

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1 Let me keep going.

2 Back to Macomb Street, that the
3 alleyway there, you know, I've walked through
4 that alley many times, parked back there many
5 times. The pizza shop and the shops there at
6 the top of Macomb, what happens to their
7 current trash service and things that are
8 behind that building if the buildings are
9 abutting at this point and their deliveries?

10 MR. HEAPES: There's two ways to
11 answer that.

12 COMMISSIONER KEATING: Okay.

13 MR. HEAPES: Number one, that's not
14 our trash and our stuff and it is a public
15 alley.

16 The reality is the three of us have
17 to work together.

18 COMMISSIONER KEATING: Okay.

19 MR. HEAPES: We have an asset that
20 they don't really have called a dock manager
21 to help organize that.

22 Right now, their trash sits at the

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1 end of the alley in the public right-of-way,
2 but there's a nice patio back there. It's a
3 nice amenity.

4 COMMISSIONER KEATING: Yes, there's
5 two cans I think. There's one that sits in
6 the alley. There's one that sits tucked back.

7 MR. HEAPES: Right.

8 COMMISSIONER KEATING: Keep going
9 down, down, down, down.

10 MR. HEAPES: Down there.

11 COMMISSIONER KEATING: Other way.

12 MR. HEAPES: Oh, down here.

13 COMMISSIONER KEATING: Yes.

14 MR. HEAPES: Yes, the one back --

15 COMMISSIONER KEATING: Down back in
16 there. Yes.

17 MR. HEAPES: Yes.

18 COMMISSIONER KEATING: Yes. Have
19 those discussions occurred to --

20 MR. HEAPES: We've had preliminary
21 discussions to say we all have to make this
22 work.

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1 COMMISSIONER KEATING: Okay.

2 MR. HEAPES: Because the alley has
3 to work.

4 COMMISSIONER KEATING: Okay.
5 Because one of the things that's highlighted
6 in the report from OP and DDOT is the desire
7 not to have much loading or additional truck
8 traffic on Macomb Street and I'm wondering how
9 that's going to get addressed with dealing
10 with that facility. Because if they can't
11 load from the rear as they do now, they're
12 going to have to load from the front and
13 across the sidewalk.

14 MR. HEAPES: No one wants that to
15 happen.

16 COMMISSIONER KEATING: Okay. The
17 other questions that I had were really back
18 around the -- oh, just a general question, I
19 think that's -- it may be here somewhere, but
20 is the Murphy Building going to be taken down
21 and this -- we're coming up anew, but it's
22 just that the appearance of the new looks very

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1 much like the old on the --

2 MR. HEAPES: We were inspired by
3 it.

4 COMMISSIONER KEATING: You know,
5 it's not -- anyway. Okay. I was wondering
6 about that.

7 In looking at the drawings here,
8 they do -- it does -- well, I like the
9 appearance of the Murphy Building. It just
10 seems a little disjointed from an appearance
11 perspective. I know some of my other
12 colleagues have a better eye for this, but it
13 just feels a little like we're moving forward
14 on this parcel with a lot of the structures
15 and that one seems to be standing still a
16 little bit. But, that's just an opinion or
17 preference.

18 On the residential I believe it is
19 next to the Giant, the single -- on Newark
20 Avenue, if you -- you know, that residential
21 piece. Is that a courtyard there that's on
22 the roof or is that down --

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1 MR. HEAPES: That would be on the
2 roof of the retail.

3 COMMISSIONER KEATING: It is on the
4 roof of the retail. Okay.

5 MR. HEAPES: So, it would be at the
6 level of the units.

7 MR. FEOLA: So, it would --

8 MR. HEAPES: Same level.

9 MR. HEAPES: -- be, Commissioner
10 Keating, a courtyard for the residents.
11 That's right.

12 COMMISSIONER KEATING: For the
13 residents. So, just for the residents. Okay.
14 That's green space just for the residents.
15 Okay. Okay. And it backs up to the -- right
16 up to the building.

17 MR. HEAPES: That would be the back
18 face of a supermarket.

19 COMMISSIONER KEATING: Okay. And
20 Newark Avenue itself, I love the drawings and
21 I love, you know, kind of the very pedestrian
22 feel of it. I know it's just the way it

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1 looks. It looks narrower now.

2 Is the expectation to limit traffic
3 in some way through there?

4 MR. HEAPES: No, actually, the curb
5 to curb --

6 COMMISSIONER KEATING: Um-hum.

7 MR. HEAPES: -- across the street
8 is the same width as it is now.

9 COMMISSIONER KEATING: Now. Okay.

10 MR. HEAPES: We broke it up with
11 exploring bump outs at the end of the -- at
12 the end of the streets. I know there's a few
13 of them such as this one that have caused
14 concern for traffic movement, et cetera which
15 we really defer to DDOT. Yes, the hope is to
16 slow traffic down.

17 COMMISSIONER KEATING: yes.

18 MR. HEAPES: But, now, there's a
19 tendency to kind of blast through here on your
20 way.

21 COMMISSIONER KEATING: Absolutely.

22 Definitely.

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1 MR. HEAPES: Without pointing any
2 fingers.

3 COMMISSIONER KEATING: Right.

4 MR. HEAPES: And some of those
5 people blasting through have things on top of
6 their cars heading over here.

7 COMMISSIONER KEATING: Okay.
8 Right.

9 MR. HEAPES: So, our desire would
10 be just to slow it down a little bit and re-
11 balance that street to a kind of pedestrian
12 sensibility.

13 COMMISSIONER KEATING: Sure.

14 MR. HEAPES: Without affecting
15 capacity.

16 COMMISSIONER KEATING: Yes, it
17 feels so pedestrian friendly and I'm just --
18 you know, the idea of people blasting through
19 there when you have folks who really have now
20 created a space that is great for walking is
21 -- you know, I just want to make sure that's
22 thought through so that there -- you know, we

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1 don't end up with things happening and that
2 brings me to that point on the garage entrance
3 the -- this is just a small point. But, just
4 occurred to me that as you're coming --
5 exiting from the garage and trying to move
6 around that corner what might be done to
7 insure that again if this is a very pedestrian
8 friendly area people are walking, they're
9 spending time in that park --

10 MR. HEAPES: I mean this -- this
11 corner?

12 COMMISSIONER KEATING: That corner
13 there. How do you see --

14 MR. HEAPES: Around?

15 COMMISSIONER KEATING: -- around
16 that?

17 MR. HEAPES: That's a good point.
18 We do have very wide 20-foot sidewalks there.
19 So, it's not like in an historic district
20 where there's 8 feet there.

21 COMMISSIONER KEATING: Right.

22 MR. HEAPES: But, I think it's a

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1 very good point. One interesting thing about
2 that to your point that is the core that
3 brings people up and down to the garage. So,
4 it's a good thing to look at closely.

5 COMMISSIONER KEATING: Yes, because
6 I didn't -- I couldn't tell. The elevation of
7 the driveway changes at the point where the
8 sidewalk hits building in which case you're
9 coming up and coming onto the sidewalk area.

10 MR. HEAPES: Modestly, but compared
11 to the slope on Newark, it's essentially flat.

12 COMMISSIONER KEATING: It's
13 essentially flat. Okay. Okay.

14 MR. HEAPES: Good point.

15 COMMISSIONER KEATING: So,
16 something to think about. That's it. I've
17 got an extra minute actually which I will pass
18 to my colleagues.

19 COMMISSIONER MAY: You mean I
20 didn't get that extra minute. All right.
21 I'll start real quick. First question is
22 about the parking garage under the grocery

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1 store. Did I understand correctly that the
2 first double down is really going to be for
3 the grocery store? Is there going to be some
4 sort of segregation or is it --

5 MR. HEAPES: There's not going to
6 be a segregation, but naturally the way the
7 circulation's working, it'll self sort itself
8 out.

9 COMMISSIONER MAY: Right and the
10 access for the shopping carts will really
11 deliver people to the -- one level down not
12 two levels down?

13 MR. HEAPES: Yes.

14 COMMISSIONER MAY: Okay. And I
15 know it's in here somewhere, but the 14-foot
16 wall that you're proposing at the back of the
17 loading area --

18 MR. HEAPES: Um-hum.

19 COMMISSIONER MAY: -- where's the
20 14 feet actually measured from? As I said,
21 I'm sure it's in here, but I just --

22 MR. HEAPES: Oh, from the top of

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1 the wall to the grade -- to the grade of the
2 floor of the loading area.

3 COMMISSIONER MAY: Okay. So, it's
4 the paved area. It's not to the back side of
5 the sloped area or whatever.

6 MR. HEAPES: Correct.

7 COMMISSIONER MAY: What's the
8 elevation off the slope? You know, on the
9 other side.

10 MR. HEAPES: It's a -- well, we're
11 proposing to do it the same as it is now, 3
12 feet. Three feet.

13 COMMISSIONER MAY: Just 3 feet
14 above the existing --

15 MR. HEAPES: Yes.

16 COMMISSIONER MAY: -- grade. So,
17 there's --

18 MR. HEAPES: Yes.

19 COMMISSIONER MAY: -- an 11-foot
20 grade change roughly?

21 MR. HEAPES: Yes. Thank you.

22 COMMISSIONER MAY: Okay. All

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1 right. What's the size of the -- I guess
2 that's a moot point. Never mind that one.

3 The -- let's talk about
4 architecture for a second.

5 MR. HEAPES: Um-hum.

6 COMMISSIONER MAY: First of all, I
7 have to say the -- looking back at what was --
8 what we saw at set down versus what we see
9 now, it's a huge, huge improvement from my
10 perspective.

11 You know, you kept the stuff that I
12 liked which was the horizontality of the old
13 store and you simplified the facades of the
14 residential building and tried to -- you
15 didn't try as hard to sort of make it look
16 like --

17 MR. HEAPES: Right.

18 COMMISSIONER MAY: -- several
19 different buildings.

20 MR. HEAPES: Right.

21 COMMISSIONER MAY: I mean it's just
22 -- it's vastly improved. I -- and I wanted to

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1 get that in before anybody else started
2 talking.

3 MR. HEAPES: Are you telling me we
4 achieved horizontal verticality?

5 COMMISSIONER MAY: Sure. Anyway
6 it's significantly improved. I would like to
7 see on the drawings enlarged elevations. You
8 know, you did give us a sort of spotlight
9 views and called out the materials.

10 MR. HEAPES: Right.

11 COMMISSIONER MAY: And that's
12 helpful to be able to see it in that way, but
13 it would be good if that little image were
14 that big so we could see better that depth and
15 -- and --

16 MR. HEAPES: Right and the detail.

17 COMMISSIONER MAY: -- and the --
18 right now, the detail is being drowned in the
19 thickness of the lines.

20 MR. HEAPES: I couldn't agree more.

21 COMMISSIONER MAY: So, it would be
22 good to see those larger.

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1 MR. HEAPES: Is there any
2 particular ones here?

3 COMMISSIONER MAY: No, I think the
4 ones -- I mean the ones that you're -- we're
5 not looking to look at every single thing.
6 It's just getting a sampling of it and
7 understanding that you're -- you know, the way
8 the -- where the planes are.

9 MR. HEAPES: Yes, I got -- I've got
10 ya.

11 COMMISSIONER MAY: What's popping
12 out? How far -- you know, a little bit of
13 shadow line.

14 MR. HEAPES: A little bit of cross
15 section through the profile.

16 COMMISSIONER MAY: It's good to --
17 that's always helpful. Just to get a sense of
18 the depth. Because we really don't want
19 something that's really flat and where it
20 looks just like a skin that's been wrapped
21 around it.

22 Also on the subject of the

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1 architecture, the south elevation which is the
2 back side of the grocery store I guess,
3 there's been a little bit of work there. Not
4 very much and it could use a little bit more.

5 I mean if I were looking out my back window
6 or seeing that from any, you know -- even
7 glimpses of it from the street, it really --
8 it looks like the -- you know, the back side
9 of a warehouse or something and it's not -- I
10 can -- I appreciate there's been some attempt
11 to make it look something, but I don't think
12 you've got the right scheme there.

13 MR. HEAPES: No, and frankly, this
14 drawing is misleading because it's really only
15 the entrance to the store that you see from
16 the street. But, there is a building there
17 looking at it.

18 COMMISSIONER MAY: Right and there
19 is a -- yes, exactly. The residents of the
20 building can see that.

21 Now, I'm going to jump back to the
22 materials for the second and the key drawings

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1 and I would encourage my colleagues to look
2 and feel these, too.

3 I see a lot of these drive-it
4 panels which is ifus and I'm hoping that that
5 doesn't -- I mean I only see it one of those
6 key drawings, but I see a lot of the board.
7 So, I'm wondering are you doing a lot more of
8 this than we're seeing?

9 MR. HEAPES: No, it was really the
10 best way to show the texture and the color.
11 The intention is on the buildings with the
12 exception of the townhouses which we were
13 thinking about doing some of those in stucco.

14 COMMISSIONER MAY: Right.

15 MR. HEAPES: Which that's meant to
16 be representative --

17 COMMISSIONER MAY: Real stucco.
18 Not --

19 MR. HEAPES: Yes, real stucco.

20 COMMISSIONER MAY: -- the
21 artificial stucco. Okay.

22 MR. HEAPES: Yes, so, the intention

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1 is either through GFRC or Et Cetera as is
2 listed on the sample boards.

3 COMMISSIONER MAY: Um-hum.

4 MR. HEAPES: But, the blue one
5 particularly that you picked up, we would like
6 to see some stucco on those houses and just
7 change the pallet in one more way.

8 COMMISSIONER MAY: Right and I
9 think that's fine. Again, it would be useful
10 to see the elevations blown up a little bit
11 more, but the --

12 MR. HEAPES: Couldn't agree more.

13 COMMISSIONER MAY: I just wanted to
14 make sure we weren't going to get a lot of
15 drive-it.

16 There are some materials that are
17 missing and I guess that's -- the GFRC is the
18 one thing and I mean is that really going to
19 look and feel like this?

20 MR. HEAPES: No, well, I tried
21 doing the GFRC, submit, if you will, small
22 brick samples, some of the white ones, et

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1 cetera, to just --

2 COMMISSIONER MAY: So, it's suppose
3 to be like a -- more like a brick house than
4 anything else.

5 MR. HEAPES: Yes. Yes, it's --

6 COMMISSIONER MAY: Okay.

7 MR. HEAPES: -- it's intended to
8 replicate stone not stucco.

9 COMMISSIONER MAY: Right and it
10 looks like it's been carved in someway. Is
11 that right? Did I understand?

12 MR. HEAPES: Right and it's shaped.

13 COMMISSIONER MAY: Okay. Be nice
14 to be able to see some of that stuff, but I
15 understand if it's not possible. Just to get
16 -- you know, because you can get a sense of
17 how detailed the building is going to be in
18 that way. The --

19 MR. HEAPES: Glass reinforced
20 fiber.

21 COMMISSIONER MAY: Right.

22 MR. HEAPES: Whatever.

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1 COMMISSIONER MAY: Yes, it says
2 gypsum reinforced, but I figured it was glass.

3 MR. HEAPES: Thank you.

4 COMMISSIONER MAY: The bay fronts
5 and porches and separate porches on those
6 townhouses, I'm not sure you have the right
7 combination there. So, I would look very
8 carefully at those models that you're --

9 MR. HEAPES: Um-hum. Um-hum.

10 COMMISSIONER MAY: -- trying to
11 emulate.

12 MR. HEAPES: Um-hum.

13 COMMISSIONER MAY: Because it's --
14 you can integrate a bay front and a porch, but
15 it's --

16 MR. HEAPES: It's a lot.

17 COMMISSIONER MAY: -- it's usually
18 not. It's two separate things. There is
19 actually some engagement with the porch and
20 the bay front is maybe only the first floor.
21 I think that's what you actually have is only
22 one floor.

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1 MR. HEAPES: Um-hum.

2 COMMISSIONER MAY: But, it's
3 usually not that sort of half-bay. A bay is
4 usually accompanied by a stoop at least in --

5 MR. HEAPES: Um-hum. Not a porch.

6 COMMISSIONER MAY: Not a porch.

7 So.

8 MR. HEAPES: Correct.

9 COMMISSIONER MAY: Just look at
10 that more carefully because I think the
11 marriage isn't quite right yet.

12 The townhouse driveway or alley
13 went away and so, now, the townhouses are fed
14 underground and you've got actually little
15 rear yards over the back of --

16 MR. HEAPES: On top of the garage.

17 COMMISSIONER MAY: -- on top of
18 that.

19 MR. HEAPES: Which is more private.

20 COMMISSIONER MAY: Right.
21 Fantastic idea. Because I want to see that
22 more often and we never ever get it. What we

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1 get are townhouses with garages underneath.

2 MR. HEAPES: On the plane.

3 COMMISSIONER MAY: And the only --
4 and then you've got this 30-foot wide alley
5 serving townhouses backed up against each
6 other. I won't talk about who designed those
7 all the time and --

8 MR. HEAPES: Right.

9 COMMISSIONER MAY: -- who presents
10 them, but I -- you know, I don't like that
11 model. I like what you've done better. It's,
12 you know, getting that little bit of private
13 space is a big improvement. So.

14 MR. HEAPES: Thank you.

15 COMMISSIONER MAY: Twenty-nine
16 seconds left.

17 CHAIRMAN HOOD: Sorry. I thought
18 you were going to take it. Somebody make a
19 note of that. Let's -- no, I'm just joking,
20 Commissioner.

21 MR. HEAPES: Saving for next
22 hearing maybe.

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1 CHAIRMAN HOOD: Oh, no not.

2 VICE CHAIRMAN JEFFRIES: I just --
3 I have more of a philosophical question. Mr.
4 Heapes, in terms of the size of this
5 development, how does it compare to like
6 Bethesda Row? This is a much smaller
7 development.

8 MR. HEAPES: Well, you have a
9 grocery store.

10 VICE CHAIRMAN JEFFRIES: Correct.

11 MR. HEAPES: You have in Bethesda.

12 VICE CHAIRMAN JEFFRIES: Um-hum.

13 MR. HEAPES: That one in Bethesda
14 is bigger than this.

15 VICE CHAIRMAN JEFFRIES: Um-hum.

16 MR. HEAPES: And then in Bethesda -
17 - here we have I think we said 62,000 square
18 feet of retail --

19 VICE CHAIRMAN JEFFRIES: Um-hum.

20 MR. HEAPES: -- just on the street.

21 VICE CHAIRMAN JEFFRIES: Yes.

22 MR. HEAPES: Bethesda has over

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1 200,000 square feet of retail.

2 VICE CHAIRMAN JEFFRIES: Ah. Okay.
3 Much larger.

4 MR. HEAPES: Think of it like the
5 Barnes & Noble corner of Bethesda if you
6 really want to.

7 VICE CHAIRMAN JEFFRIES: Okay.
8 That's really what I was trying to get to.
9 Because I mean I know that there's clearly,
10 you know, have been a lot of efforts to make
11 this a very pedestrian friendly development
12 and so forth. But, you know --

13 MR. HEAPES: Trees are the same
14 size or bigger here.

15 VICE CHAIRMAN JEFFRIES: Excuse me.

16 MR. HEAPES: The trees are the same
17 size or bigger here.

18 VICE CHAIRMAN JEFFRIES: Okay.

19 MR. HEAPES: Okay.

20 VICE CHAIRMAN JEFFRIES: But, the
21 point I was trying to make was that I was just
22 sort of concerned. You know, obviously,

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1 there's been a lot of care given towards, you
2 know, making this a very pedestrian-friendly
3 development.

4 MR. HEAPES: Neighborhood, too.

5 VICE CHAIRMAN JEFFRIES: And
6 neighborhood serving retail and so forth, but,
7 you know, given the size of it, that perhaps
8 you are going to attract a lot of different
9 people from other parts of the city, you know,
10 to this development if it becomes more than
11 just sort of grocery store centered shopping
12 center, but really a place making destination.

13 That you will have a lot of people. In which
14 case, you know, there will be a lot more
15 concern about traffic and so forth and so,
16 that's really what I was getting at.

17 And then also, how close -- the
18 Metro stations, what's -- they're like a --
19 half a mile. What's the distance again?

20 MR. WELLS: I think Cleveland Park
21 is -- one is eight-tenths of a mile. The
22 other is a mile.

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1 VICE CHAIRMAN JEFFRIES: Okay. So,
2 it's not -- okay. So, really it's people
3 walking and buses and vehicles.

4 MR. WELLS: There's an
5 extraordinary amount of bus service here.
6 Extraordinary usage of it.

7 VICE CHAIRMAN JEFFRIES: But, you
8 don't suspect a lot of people will be on a bus
9 going to Giant. Do you? I mean a few, but --

10 MR. WELLS: As likely or unlikely
11 as taking Metro.

12 VICE CHAIRMAN JEFFRIES: Um-hum.

13 MR. WELLS: I think there will be a
14 lot of walkers here. People in the
15 neighborhood who live nearby within walking
16 distance. I think some of the people who
17 patronize the restaurants, the retail stores
18 also will patronize the grocery store. That
19 kind of synergy or mixed use is part of what
20 makes this town center street retail project
21 dynamic and really work. A few people will
22 take the bus. Yes.

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1 VICE CHAIRMAN JEFFRIES: Well, I
2 was happy to hear that Giant is looking at
3 traffic calming and looking to put up a
4 reserve or -- and I'd like to get a little bit
5 more detail of that. Because I do sense that
6 this will be -- there will be tension between
7 pedestrian and vehicular. Because I think
8 that -- I mean it's grocery store and the
9 vehicles will be coming through and --

10 MR. WELLS: Certainly that's true.
11 We use the standard rates for estimating the
12 traffic.

13 By the way, you might be interested
14 to know that in the census reported for
15 residents of this area that about a third of
16 them commute to work by public transportation
17 and it's split roughly equally between bus and
18 rail and 13 percent either work at home, walk
19 to work, bicycle, motorcycle. So, there is
20 some diversity of --

21 VICE CHAIRMAN JEFFRIES: Okay.
22 Well, I'll be -- I'm certain that, you know,

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1 some of the residents will speak to some of
2 that as well. But, I just -- I mean other
3 observation. I mean I think this is a --
4 what's been demonstrated here is a -- a well
5 thought out development. I was very
6 appreciative of your slide that talked about
7 the number of changes that you've made --

8 MR. WELLS: Um-hum.

9 VICE CHAIRMAN JEFFRIES: -- over X
10 number of months or years.

11 MR. WELLS: For the better.

12 VICE CHAIRMAN JEFFRIES: Yes, I
13 like to personally see that kind of movement
14 and so forth and my hope is to see that from
15 those who are in opposition.

16 I have just a couple of other
17 questions quickly. Affordable housing. Where
18 are the locations of the affordable housing?

19 MR. HEAPES: Sorry. I don't know
20 what I'm doing standing up. In both -- this
21 is a typical floor plan and I don't know if
22 you can see the unit designations, but you can

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1 certainly see the corridor in both of these.

2 What we had done is allocated from
3 lower floor to top floor an even number of
4 units in different kinds of places. Some are
5 around the core. Some at the end. Some on
6 the outside. Some on the inside. It is on
7 our drawing in the application designating
8 those in both buildings. To essentially -- to
9 the extent possible, uniformly distribute
10 them.

11 VICE CHAIRMAN JEFFRIES: Okay.

12 MR. HEAPES: Underlying theory is
13 that they are -- there's an outside unit on
14 the corner that's affordable just like there
15 is an outside unit that isn't and so, every
16 unit type we have, there's an affordable
17 location equivalent to that. That was the
18 theory anyways.

19 MR. FEOLA: Commissioner Jeffries,
20 the locations are located in our --

21 VICE CHAIRMAN JEFFRIES: Exhibit.

22 Which one?

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1 MR. FEOLA: October 24th, 2008.

2 VICE CHAIRMAN JEFFRIES: And we're
3 in February. Continue.

4 MR. FEOLA: We thought about it
5 long ago.

6 VICE CHAIRMAN JEFFRIES: Yes. Yes,
7 you guys, it's voluminous. If you -- so, it's
8 up here, but go on.

9 MR. FEOLA: But, sheets A104 and
10 A105 behind Tab A --

11 VICE CHAIRMAN JEFFRIES: October.

12 MR. FEOLA: -- shows the locations
13 on each floor.

14 VICE CHAIRMAN JEFFRIES: Okay.
15 I'll see it in a minute. My last question is
16 the car sharing spaces. You know, we've been
17 dealing with these car sharing spaces. Have
18 you been in contact with Zipcar? Have they
19 told you that based on overall, you know,
20 demand for the area that three is sufficient
21 and what's the game plan there?

22 MR. HEAPES: I'm going to ask my

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1 partner Lucy Wildrick who was referred to
2 since she spoke with them.

3 VICE CHAIRMAN JEFFRIES: Ah. Okay.

4

5 MR. HEAPES: Yes, fill you in.

6 MS. WILDRICK: I did speak -- hi.

7 I did speak --

8 VICE CHAIRMAN JEFFRIES: Can you
9 identify yourself please?

10 MS. WILDRICK: My name is Lucy
11 Wildrick. I'm a partner with Street Works.

12 I have spoken to Zipcar. We had
13 communication because we -- actually, at the
14 request of the community, we're looking to
15 locate a car or more on this site today.
16 What we discovered is that they do their own
17 research based on the input and demand that
18 they get and they determined that the site did
19 not justify a car today, but we did indicate
20 to them at that time that we were looking to
21 locate cars here in the future.

22 So, it's not up to us. It's up to

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1 the community I guess to demonstrate demand in
2 order to get cars to the site.

3 VICE CHAIRMAN JEFFRIES: So, the
4 three that was discussed, that's your -- what
5 you're willing to set aside?

6 MR. HEAPES: It's really an offer
7 based on a best guess.

8 VICE CHAIRMAN JEFFRIES: Okay.

9 MS. WILDRICK: We can't make them
10 put them there. It's the -- what we were
11 told.

12 VICE CHAIRMAN JEFFRIES: Okay.
13 Okay. Thank you and last question, the
14 100,000, can you just walk me through that
15 real quickly? The 100,000.

16 MR. WELLS: It really is an escrow
17 fund for whatever is determined to -- first of
18 all, the philosophy behind the escrow fund is
19 when this is built. I shouldn't be
20 presumptuous. If this is built and it
21 actually is generating traffic, parking
22 demand, pedestrian demands and so forth.

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1 We hope it's problem free. But, in
2 the event that it is not in spite of our best
3 efforts, we'll study that, evaluate that
4 wherever the problems crop up. We know
5 there's speeding on 34th Street. We know the
6 community is concerned about traffic on their
7 streets.

8 VICE CHAIRMAN JEFFRIES: But, you
9 know there needs to be something a little more
10 formalized than what you just said to me.
11 Right?

12 I mean because what triggers. I
13 mean --

14 MR. FEOLA: Mr. Jeffries, the money
15 will be held by DDOT in escrow.

16 VICE CHAIRMAN JEFFRIES: Okay.
17 Okay.

18 MR. FEOLA: And actually, it'll be
19 DDOT's call --

20 VICE CHAIRMAN JEFFRIES: Okay.

21 MR. FEOLA: -- whether or not
22 anything gets done and when it gets done. Of

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1 course, DDOT has, I'm sure they'll speak to
2 it, their whole outreach into the community as
3 to what to do or not do. So.

4 VICE CHAIRMAN JEFFRIES: Okay.

5 MR. FEOLA: We will write the check
6 and put it in a bank account and DDOT will
7 manage it.

8 MR. WELLS: DDOT has published
9 policies and procedures for conducting traffic
10 calming studies that involves as Phil says
11 outreach with the community and that was the
12 intent to go through that process and have a
13 source of funds to fund whatever improvements
14 result from that.

15 CHAIRMAN HOOD: We're going to do a
16 second and I just follow -- I'll end up with
17 my questions. Mr. Turnbull, did you have a
18 second round?

19 COMMISSIONER TURNBULL: No, I'm
20 good.

21 CHAIRMAN HOOD: Okay. Mr. Keating.

22 COMMISSIONER KEATING: I left out

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1 one thing. My first comments. The wall in
2 the loading entry area which -- is that 14 or
3 18 feet?

4 MR. HEAPES: In my testimony -- as
5 it's drawn and as -- in our initial acoustical
6 analysis, it was 14.

7 COMMISSIONER KEATING: And that's
8 grown?

9 MR. HEAPES: And we anticipate the
10 need to grow it 2, 3, 4 feet to completely
11 mitigate the sound.

12 COMMISSIONER KEATING: Okay.

13 MR. HEAPES: And that's I believe
14 in the report.

15 COMMISSIONER KEATING: Okay.

16 MR. HEAPES: It will be what it
17 needs to be to take care of the sound.

18 COMMISSIONER KEATING: Okay. So,
19 somewhere 14 to 18 feet and I'm -- I believe
20 that's a single-family home that's sitting
21 there on the lot.

22 MR. HEAPES: Correct.

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1 COMMISSIONER KEATING: In your
2 landscape drawings and most of the drawings
3 there, I see trees along that wall. Is the
4 intent to put in full grown trees to kind of
5 keep the view from looking like a -- somewhat
6 of a fortress to this resident here?

7 MR. HEAPES: Yes, and the trees do
8 create the visual barrier. They don't do
9 anything for the sound.

10 COMMISSIONER KEATING: Right.
11 Right.

12 MR. HEAPES: But, to create a real
13 visual barrier, they need to be evergreen
14 trees.

15 COMMISSIONER KEATING: Yes.

16 MR. HEAPES: They need to be
17 substantial --

18 COMMISSIONER KEATING: Okay.

19 MR. HEAPES: But, as I showed in
20 the diagram which I'm looking for, without the
21 trees, you can't see the truck dock. So, they
22 are --

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1 COMMISSIONER KEATING: I'm more
2 concerned about the barrier than being able to
3 see the --

4 MR. HEAPES: Well, you can see the
5 top of the barrier.

6 COMMISSIONER KEATING: Yes, you can
7 see the top.

8 MR. HEAPES: Just these don't go
9 away and the green, but not be a park or
10 anything. It's just a -- it's a barrier and
11 it's green.

12 COMMISSIONER KEATING: All right.

13 MR. HEAPES: Like it is today.

14 COMMISSIONER KEATING: I'm sorry.
15 Just thinking this through. Is -- you can't
16 walk through from this backyard. You'll run
17 into a wall of some sort. Right?

18 MR. HEAPES: No.

19 COMMISSIONER KEATING: You won't --
20 you can't fall into the truck loading area.

21 MR. HEAPES: No. I'm looking for
22 it. I'm looking for it. Let me -- so,

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1 there's different areas. There's -- you're
2 talking about in this area here.

3 COMMISSIONER KEATING: No,
4 actually, I'm talking to the left.

5 MR. HEAPES: Right here?

6 COMMISSIONER KEATING: Left. Keep
7 going. Keep going. Keep going. Keep going.
8 Keep going. Right there.

9 MR. HEAPES: Right there?

10 COMMISSIONER KEATING: Yes.

11 MR. HEAPES: Oh, no, that's -- the
12 wall is on our property. Actually, the
13 grading and things are doing -- remember we're
14 falling off this way.

15 COMMISSIONER KEATING: Yes. Yes,
16 that's --

17 MR. HEAPES: So, below here and
18 coming up this way.

19 COMMISSIONER KEATING: Okay.

20 MR. HEAPES: So, this grade here is
21 already more than 10 feet above the wall.
22 Now, technically could you go along the

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1 setback and fall over the wall, I hadn't
2 really thought that far. We'll have to make
3 sure that's not possible, but there's no
4 sidewalk or any reason to be over there.

5 COMMISSIONER KEATING: Okay. Other
6 than coming through there.

7 MR. HEAPES: But, that's a good
8 point to make sure that can't happen.

9 COMMISSIONER KEATING: Yes, okay.

10 MR. HEAPES: The intention was
11 always that the wall was taller than the --
12 exactly like it is here. There's the top of
13 the wall.

14 COMMISSIONER KEATING: Right.
15 Right.

16 MR. HEAPES: There's the top of the
17 grade. So, you'd have to actually kind of
18 jump over. It's handrail height.

19 COMMISSIONER KEATING: Yes. Okay.
20 So, the view from the house will not be of
21 the wall. It'll be just of the --

22 MR. HEAPES: It'll be just like it

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1 is today.

2 COMMISSIONER KEATING: -- of the
3 shrubbery. Just like the berm.

4 MR. HEAPES: You'll get berm that's
5 green with trees and vegetation and the wall
6 through that if you could see through it.

7 COMMISSIONER KEATING: Yes. Sure.
8 Okay.

9 MR. HEAPES: Thank you.

10 COMMISSIONER KEATING: Thank you.

11 CHAIRMAN HOOD: Okay. Let me just
12 acknowledge that we have -- that we do have
13 present with us tonight the District
14 Department of Transportation, Ms. Ricks, the
15 Associate Director and also Mr. Jennings. We
16 want to welcome, Ms. Ricks back. She just had
17 a little one.

18 And we're going to see how far we
19 get. If we get to DDOT tonight, Mr. Jennings
20 will remain, but I want to let everyone know
21 that our Associate Director did join us
22 tonight. So. Okay.

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1 Are you all finished? Okay. Let
2 me --

3 VICE CHAIRMAN JEFFRIES: Can we go
4 to page A104 for the affordable housing units?
5 Since you brought it up, since you brought me
6 there.

7 MR. HEAPES: Yes, sir.

8 VICE CHAIRMAN JEFFRIES: Yes, so
9 I'm just -- I'm just trying to make certain
10 I'm clear about this unit that seems to
11 surround the core, the elevator stacks that
12 are right at the apex here. Is that two units
13 or three? Is it three units or two units?

14 MR. HEAPES: Yes.

15 VICE CHAIRMAN JEFFRIES: Yes.

16 MR. HEAPES: The intention --
17 there's kind of a flex zone there. I imagine
18 it would be two units. Until we get to the
19 kind of the final design of units and unit
20 sizes and unit counts, what we are showing
21 here if you were to count the units is more
22 than the 8 percent required.

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1 But, the intention was to show you
2 a distribution of these. Some on the inside.
3 Some on the outside. Some on the corner, et
4 cetera. So --

5 VICE CHAIRMAN JEFFRIES: And the
6 ones that are just adjacent to the store --

7 MR. HEAPES: Right.

8 VICE CHAIRMAN JEFFRIES: -- there
9 on the ends. Yes. There are three there or
10 you --

11 MR. HEAPES: As it's designated
12 here, three.

13 VICE CHAIRMAN JEFFRIES: Yes.

14 MR. FEOLA: Commissioner Jeffries,
15 to clarify that, our affordable housing
16 commitment is 8 percent of the gross floor
17 area which is how your regulations read for
18 inclusionary zoning.

19 We will need to then split that
20 gross floor area equally among the different
21 unit types if you follow what I'm saying. So,
22 we don't know if they're going to be two

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1 bedrooms or three bedrooms or one bedroom and
2 a den.

3 That proportion of unit types would
4 have to follow the affordable. So --

5 VICE CHAIRMAN JEFFRIES: Well, I'm
6 just dealing with placement. I'm just --

7 MR. FEOLA: Right. I'm just saying
8 that --

9 VICE CHAIRMAN JEFFRIES: -- I'm
10 just talking about where they fall.

11 MR. FEOLA: As Mr. Heapes said,
12 that might be one big unit -- three bedroom
13 unit or it might be two --

14 VICE CHAIRMAN JEFFRIES: No. No.
15 No. No, I'm not dealing with whether it's a
16 two or three or four. I'm just dealing with
17 the location.

18 MR. FEOLA: Location in the floor I
19 --

20 VICE CHAIRMAN JEFFRIES: Location.
21 Location.

22 MR. FEOLA: -- think is your issue.

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1 VICE CHAIRMAN JEFFRIES: Right.

2 Right. Yes. Yes.

3 COMMISSIONER TURNBULL: And what we
4 don't want to see if them all lumped together
5 in one area.

6 MR. FEOLA: Understand.

7 VICE CHAIRMAN JEFFRIES: I mean
8 that.

9 COMMISSIONER TURNBULL: Right.

10 VICE CHAIRMAN JEFFRIES: And
11 particularly in this area --

12 MR. FEOLA: Right.

13 VICE CHAIRMAN JEFFRIES: -- of the
14 city.

15 MR. FEOLA: No, we agree.

16 VICE CHAIRMAN JEFFRIES: Thank you.

17 CHAIRMAN HOOD: Okay. Mr. Wells,
18 I'm glad you brought up the level of service,
19 but either my eyes are failing me, but it
20 looks like that -- if we can bring that slide
21 back up. I saw a lot of level of service A
22 and I'm a little familiar with Wisconsin

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1 Avenue and maybe I -- I notice the
2 transportation standards dictate one thing.
3 But, let's bring back up that slide.

4 COMMISSIONER MAY: Yes, I don't
5 think we've actually seen an A before. Have
6 we?

7 CHAIRMAN HOOD: I see it all the
8 time. I see it, but when I got sit there on
9 Wisconsin, I don't feel it.

10 COMMISSIONER MAY: Yes.

11 CHAIRMAN HOOD: The -- is that the
12 one that had all the -- it was one that had a
13 number. Maybe that's it. This one coming up
14 now. The As.

15 Can you orient me and tell me if --
16 is that the long area that's going I guess
17 from kind of southwest to northeast? Is that
18 Wisconsin Avenue? Because I only see one D
19 from here and I apologize.

20 MR. WELLS: Correct. Yes, by the
21 way, our findings as I say are almost
22 identical --

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1 CHAIRMAN HOOD: Right. I heard
2 that.

3 MR. WELLS: -- to what DDOT came up
4 with. Maybe you would fault them, too. I
5 don't know. But --

6 CHAIRMAN HOOD: Think about all the
7 traffic consultants that I come down here and
8 hear from and then when I'm sitting in
9 traffic, I said I thought they said this was
10 an A. Often. But, no, on a serious note and
11 I'm just trying to figure out your analysis.
12 Is that Wisconsin Avenue where I'm seeing all
13 those As and you have to forgive me because it
14 is --

15 MR. WELLS: The large box is the
16 overall letter level of service and the small
17 boxes are the approach level of service. You
18 know, we calculate levels of service based on
19 delays. We can calculate the total delay at
20 an intersection or we can calculate it by
21 approach. We can even calculate it by
22 movement and this is an attempt to show the

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1 aggregate total delay at each intersection and
2 in the case of signalized intersections and
3 then the approach letter levels of service.

4 CHAIRMAN HOOD: Okay.

5 MR. WELLS: That's future. That's
6 with a new traffic signal.

7 CHAIRMAN HOOD: Okay. Okay. Okay.
8 That's your testimony.

9 MR. WELLS: Well, we played by the
10 rules and --

11 CHAIRMAN HOOD: I know you're going
12 by DDOT. You all are kind of similar and
13 okay.

14 Let me ask this. Did we have a
15 slide of S107 the circulation pattern? Just
16 kind of walk me through that whole site.
17 Pedestrian, vehicles, café eating.

18 I'll tell you one thing that I look
19 at in the pictures and I don't know if this
20 was an oversight or is realistic. I saw
21 people sitting at a table enjoying outdoor
22 restaurant or outdoor eating, cafés right in

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1 front of the Giant Food Store entrance. Is
2 that what's being proposed? Is it enough?

3 That's why I want to see the whole
4 circulation plan. How is all that going to
5 work? What is the movement?

6 MR. HEAPES: Coming -- that one?

7 CHAIRMAN HOOD: Yes. Show me how
8 all that's going to work. Show me how Newark
9 Street's going to work and you may have done
10 this, but I have to see --

11 MR. HEAPES: No, that's good.

12 CHAIRMAN HOOD: -- one of the --
13 show me the whole piece.

14 MR. HEAPES: Well, first and
15 foremost here's Wisconsin, Idaho, 38th Street
16 to Macomb. What you see in pink are all the
17 -- I'm going to call them sidewalk zones.
18 Pedestrian zones. They're not all the same
19 obviously. This sidewalk comes along 38th and
20 through the garage to the store and the back
21 out to the street.

22 With the exception of what goes

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1 through the garage, this is a continuation of
2 the existing sidewalk along Idaho until you
3 get to Newark. Meaning it's more green, has a
4 green strip, more residential.

5 All around this block and all
6 around Newark and this block, we are proposing
7 to have 18 to 20-foot wide sidewalks.
8 Wisconsin already is 25 and we're not changing
9 that. So, in perspective, that's a really
10 wide sidewalk.

11 To use Bethesda as a benchmark,
12 those are 18 feet. So, take Bethesda and add
13 7 feet to that. That's the same as 5th Avenue
14 in New York by the way. So, it can handle the
15 foot traffic. So, in fact, it's probably too
16 wide and there's an opportunity to make it
17 more green and made a livelier place, but at
18 any rate, the sidewalks are very wide.

19 On a pedestrian note, we also along
20 Newark proposed bump outs at the corners to
21 even give a pedestrian more advantage in that
22 environment.

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1 Now, relative to cafés, et cetera,
2 you'll hear a lot about the overlay, the use
3 of restaurants, et cetera in future -- I
4 predict in future consultation. We're not
5 proposing this to be either like Bethesda or
6 either like what's existing there now to be a
7 restaurant zone.

8 If you were to take the list of
9 tenants there in the buildings today, called
10 neighborhood service tenants, there's a
11 Starbucks, there's a toy store, there's a dry
12 cleaners, there's an insurance company, a
13 furniture store, that's what normally goes
14 with grocery stores --

15 CHAIRMAN HOOD: Okay.

16 MR. HEAPES: -- from strip centers.

17 Those are the uses we're proposing.

18 CHAIRMAN HOOD: Okay.

19 MR. HEAPES: So, we're not looking
20 at a restaurant zone. Like Whole Foods on P
21 Street, the Giant has some food service.
22 Frankly, we had thought about Starbucks being

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1 here near the intersection. We would like
2 tables and chairs out on the sidewalk, but not
3 like what's going on there now today with
4 Cactus Cantina and other restaurants building
5 out onto the sidewalks.

6 CHAIRMAN HOOD: Okay.

7 MR. HEAPES: Can you think of the
8 corner at Macomb where they actually have
9 occupied the sidewalk with built-in cafés.
10 Right over here. We're not proposing any of
11 that. So, we have wide 20-foot sidewalks.

12 CHAIRMAN HOOD: My time is moving
13 quickly.

14 MR. HEAPES: Sorry.

15 CHAIRMAN HOOD: The other issue and
16 actually --

17 MR. HEAPES: You know, I don't even
18 know if I answered your question, but --

19 CHAIRMAN HOOD: Actually, that's my
20 -- this is my first time. So, I have a few
21 more minutes.

22 My other question is one of the --

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1 Mr. Feola, help me understand. I've looked
2 through what we had in opposition support and
3 I know this is not a popularity contest, but
4 the letters of support from what I read last
5 night outweighed letters of opposition. But,
6 when I read the letters of opposition, there
7 were specific issues. Let me just ask you
8 this, a general question and I'm just they'll
9 come up and testify at the appropriate time.

10 Would you say that everyone in the
11 community is in agreement with something
12 happening there? It's just basically, you
13 know, concerns about traffic, density. Is
14 that a fair statement for me to make?

15 And your -- you've been out there
16 in the trenches with this. Is that a fair
17 assessment that I can make?

18 MR. FEOLA: I hate to speak for the
19 opposition, but I think --

20 CHAIRMAN HOOD: No, I mean from
21 your view. I'm asking from your view.

22 MR. FEOLA: I think the general

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1 consensus is that the community and they'll
2 tell me if I'm wrong would like to see a new
3 grocery store. Probably a bigger grocery
4 store. Maybe not this big, but a bigger
5 grocery store.

6 I think the points that we have not
7 been able to close the loop on is what else
8 should go on this site besides a big grocery
9 store or some size grocery store.

10 CHAIRMAN HOOD: Okay.

11 MR. FEOLA: And that's where we
12 have wrong into conflicts if you will.

13 CHAIRMAN HOOD: Have you seen the
14 ANC letter with the conditions --

15 MR. FEOLA: Yes.

16 CHAIRMAN HOOD: -- that they made?

17 I think you -- I looked at them. I think
18 most of them you satisfied. A few of them I
19 don't even know -- they're not germane in our
20 jurisdiction, but most of them you have
21 particularly satisfied.

22 Case in point, I notice in one of

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1 the opposition letters it talked about the
2 Starbucks delivering -- can I have a few more
3 minutes?

4 It talked about the Starbucks
5 delivering at 12:00 and I think you've
6 satisfied that. That 9:00 to 7:00 delivery,
7 is that going to be for all the retail, the
8 whole project, the Giant and everybody?

9 MR. FEOLA: It's going to be for
10 the whole project.

11 CHAIRMAN HOOD: Okay.

12 MR. FEOLA: Including the
13 residential. Probably not including the
14 townhouses which are going to be owned
15 separately. But, the entirety of the property
16 will be owned by Giant and managed by a
17 property manager that Giant hires.

18 CHAIRMAN HOOD: And I think they --
19 they didn't exactly ask for it like this, but
20 I think they asked for a dock master. Someone
21 controlling the loading docks and I think you
22 --

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1 MR. FEOLA: We are proposing that.

2 CHAIRMAN HOOD: We're proposing
3 that. Now, proposing it for one person for
4 three -- what is it -- how many docks is it?

5 MR. HEAPES: There's three areas of
6 docks.

7 CHAIRMAN HOOD: Three areas.
8 That's what I mean. Okay. Is it one person
9 for all three?

10 MR. HEAPES: We haven't committed
11 to that. It's possible that there's one for
12 the supermarket and a property manager
13 managing the other two.

14 CHAIRMAN HOOD: Okay. I got you.

15 MR. HEAPES: But, the proposal is
16 that all dock areas are managed.

17 CHAIRMAN HOOD: Managed.

18 MR. HEAPES: And accessible to the
19 neighbors directly.

20 CHAIRMAN HOOD: Okay. In the
21 outreach meetings, I saw that it was quite a
22 few of them up there. How many would you say

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1 in all did you have outreach meetings with the
2 different organizations?

3 MR. HEAPES: Forty-four.

4 MR. FEOLA: Advise that it was 44.

5 CHAIRMAN HOOD: Forty-four. Has
6 this been over like a five-year period or --

7 MR. FEOLA: From about 2005, About
8 a four-year period.

9 CHAIRMAN HOOD: Okay. And the
10 reason I'm asking because I thought this came
11 to us some years ago and it was taken off the
12 map and that was five years ago.

13 MR. FEOLA: That's correct. That
14 was actually nine year ago.

15 CHAIRMAN HOOD: Oh, I must be --
16 I've been here awhile.

17 MR. FEOLA: Time flies.

18 CHAIRMAN HOOD: Okay. All right.
19 Okay. What else? Does anyone else have
20 another question?

21 VICE CHAIRMAN JEFFRIES: Just a
22 quick question, Mr. Heapes. I'm still

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1 somewhat baffled. I'm trying to understand
2 why are people walking or why will people walk
3 to this location and the retail mix? I mean
4 you have a grocery store and it's a large
5 grocery store. It's not like a Wegman's or --
6 not a Wegman's. A Trader Joe's.

7 MR. HEAPES: It's a real grocery
8 store.

9 VICE CHAIRMAN JEFFRIES: But, it's
10 a real grocery store and people will buy
11 groceries and they won't get on a bus and you
12 don't have restaurants here. I mean they're
13 not walking around for, you know, dry
14 cleaners. So, what's going to make these
15 streets so robust and active and so forth?
16 I'm -- you know, because I mean obviously you
17 mean restaurants. I mean people come out.
18 Come to restaurants. So, I'm just trying to
19 understand the mix.

20 MR. HEAPES: Okay. Let me try to
21 broaden the question.

22 VICE CHAIRMAN JEFFRIES: Okay.

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1 MR. HEAPES: Because we do Macomb
2 and a corner of Macomb and Cactus Cantina and
3 Tuaimi's and Café Deluxe as part of this
4 neighborhood district and there are a number
5 of people coming to this district for that.

6 But, this is the place you come to
7 have your everyday life when you live in
8 Cleveland Park. Most people go to a grocery
9 store several times a week and --

10 VICE CHAIRMAN JEFFRIES: But --

11 MR. HEAPES: -- it's our number one
12 anchor in any project we ever do.

13 VICE CHAIRMAN JEFFRIES: Quite
14 right.

15 MR. HEAPES: And they go to
16 Starbucks to get up on the Wi-Fi. We'll have
17 one or two or three or four restaurants here.
18 It won't be completely without restaurants.

19 VICE CHAIRMAN JEFFRIES: Right.

20 MR. HEAPES: But, versus a Bethesda
21 or a Dupont Circle that's all restaurants that
22 is not our intent.

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1 VICE CHAIRMAN JEFFRIES: Yes.

2 MR. HEAPES: We really want that
3 neighborhood place.

4 VICE CHAIRMAN JEFFRIES: No. No, I
5 clearly understand that you're going to -- you
6 said neighborhood serving retail. I mean I
7 could understand that, but I was just a little
8 concerned I mean, you know, why are people
9 walking here then? I mean, you know --

10 MR. HEAPES: To it or around it?

11 VICE CHAIRMAN JEFFRIES: To it.

12 MR. HEAPES: Well, that I know why.
13 They're doing it today. There's a lot of
14 units right -- you remember that map I showed
15 with the tall buildings.

16 VICE CHAIRMAN JEFFRIES: Um-hum.

17 Um-hum.

18 MR. HEAPES: There are a lot of
19 just units up and down Wisconsin. I can't
20 tell you the number of thousands and they're
21 doing it today.

22 VICE CHAIRMAN JEFFRIES: Okay.

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1 Well, just -- just -- I just want to -- you
2 know, my question is really around retail mix
3 and how that mix attracts pedestrian traffic.

4 That's the only --

5 MR. HEAPES: Oh, fine.

6 VICE CHAIRMAN JEFFRIES: -- that's
7 the question that I was having. So, anyway.
8 Thank you.

9 MR. HEAPES: You bet.

10 CHAIRMAN HOOD: I would have some
11 more, but as my colleagues have already said,
12 this is a hearing. We want to hear from
13 everyone. Okay. Let's do cross examination
14 and the cross examination want to make sure
15 it's germane to the record and the testimony
16 and we're going to see how -- that's going to
17 dictate how far we get with the Office of
18 Planning.

19 Let's first call up ANC 3C. Ms.
20 Baristow, do you have any cross examination?

21 MS. BARISTOW: No.

22 CHAIRMAN HOOD: Okay. No cross

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1 examination. Mr. Davis from AWARE.

2 MR. DAVIS: No, sir.

3 CHAIRMAN HOOD: Okay. We're
4 getting ready to get to the Office of Planning
5 shortly. Okay. Let me just do this. I'm
6 going to call the organization. Macomb
7 Street, Ms. Sclafani.

8 MS. SCLAFANI: Just quickly --

9 CHAIRMAN HOOD: Yes, if you could
10 come to the table and just identify yourself.
11 We want to make sure you're on the record.
12 So, when we read the transcript, we remember
13 exactly what was said.

14 MS. SCLAFANI: Two very quick
15 questions for Mr. Heapes. At the --

16 CHAIRMAN HOOD: Could you identify
17 yourself?

18 MS. SCLAFANI: Yes, Frances
19 Sclafani of the Immediate Macomb Street
20 Neighbors.

21 Mr. Heapes, at the meeting at the
22 Washington Hebrew Congregation last spring,

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1 one of the community members, an elderly
2 woman, mentioned that if you dug down to 20
3 feet at that site you would hit water. In the
4 drilling that you recently did on site, have
5 you hit water anywhere?

6 MR. HEAPES: I don't know the
7 answer to that. I'll -- I would have to get
8 back to you.

9 MS. SCLAFANI: I have heard from a
10 Giant employee that you, in fact, did hit
11 water. So, I would like that part of the
12 record. If you can find out and get back to
13 us, I'd appreciate that.

14 And a quick question on the
15 affordable housing if I can pick up on that.
16 On the number of units that you said that you
17 had for this entire project, approximately how
18 many apartments would be for affordable
19 housing?

20 MR. HEAPES: We don't know. What
21 we have is a percentage of the total and that
22 will depend on size of units and whether

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1 they're large condominiums or small rental.
2 The formula set out -- we have estimated the
3 units at a typical size at a number to
4 illustrate -- for illustrative purposes.

5 MS. SCLAFANI: So, for the 124
6 units you have proposed for the north parcel
7 and 14 that you have proposed for the south
8 parcel, there would only be 8 percent of the
9 136 apartments. Is that right? Would that
10 come out to approximately 10 to 11 projects in
11 this whole project for affordable housing?
12 Can we agree on that?

13 MR. HEAPES: I can agree that
14 that's your approach and --

15 MS. SCLAFANI: Thank you.

16 MR. HEAPES: -- thank you.

17 MS. SCLAFANI: No further
18 questions.

19 CHAIRMAN HOOD: Okay. Thank you,
20 Ms. Sclafani. Mr. Isaacs, do you have any
21 cross examination? Typically, we have one
22 person to ask the questions. You can whisper

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1 in his ear and we'll go from there.

2 MR. ISAACS: With your permission,
3 can we split this in just a couple minutes?

4 CHAIRMAN HOOD: That deal was when
5 we were all going to consolidate. That deal
6 went out the window a long time ago. You're
7 not up yet. So, let just hold tight. I mean
8 he can sit at the table and --

9 MR. ISAACS: Okay.

10 CHAIRMAN HOOD: -- tell you in your
11 ear.

12 MR. ISAACS: My first question is
13 for Mr. Wells. This regards the changes to
14 the Wisconsin Avenue/Idaho Avenue Ordway
15 intersection. My understanding is that you
16 recommend to do three things. One is convert
17 Idaho Avenue from one-way to two-way on the
18 western side.

19 MR. WELLS: Correct.

20 MR. ISAACS: Reconstruct the
21 intersection to adequately accommodate
22 pedestrians, bicyclists, trucks and

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1 automobiles.

2 MR. WELLS: Correct.

3 MR. ISAACS: I'm sorry. I left out
4 buses as well and install a new traffic signal
5 at the intersection period. Correct?

6 MR. WELLS: Right.

7 MR. ISAACS: So, my questions stem
8 from those changes. First of all, to
9 reconstruct the intersection to adequately
10 accommodate bus and trucks, will that result
11 in trucks and buses going on Ordway Street and
12 if not, how will that be prevented?

13 MR. WELLS: The trucks that would
14 use Idaho would be -- for example, the Giant
15 trucks, they're using it to get -- travel
16 between Wisconsin, our preferred circulation
17 route and the dock area.

18 Giant vehicles would not be using
19 Ordway. They'd have no reason to do that.

20 MR. ISAACS: Well, for example,
21 what if they were going to another delivery on
22 Connecticut Avenue and needed to go east?

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1 What would be preventing them from cutting
2 through a local residential street like Ordway
3 or Norton or Newark or any of the other
4 streets?

5 MR. WELLS: They'd far more likely,
6 and the accounts bear this out, they far more
7 likely would be on Porter.

8 MR. ISAACS: But, to your
9 knowledge, you're not proposing any kind of
10 restriction on using the local residential
11 streets?

12 MR. WELLS: Our truck management
13 plan has preferred circulation routes and
14 believe me, Ordway would not be among them.
15 It's a narrow local street. Trucks have no
16 business on that.

17 MR. ISAACS: Right. And that's my
18 point, but I guess the question's are --

19 MR. WELLS: And I agree with you.

20 MR. ISAACS: -- we just suppose to
21 rely on --

22 CHAIRMAN HOOD: I think what we

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1 want to do -- what we want to do is we want to
2 ask the question.

3 MR. ISAACS: Okay.

4 CHAIRMAN HOOD: He's going to give
5 you an answer. At the time you come up and
6 give your testimony will be the time that you
7 can expound on it.

8 MR. ISAACS: Thank you. Sure.
9 Okay. My next question is related -- aside
10 from trucks and buses, just general traffic,
11 with the conversion of this intersection and
12 Idaho to two-way, how will local streets like
13 Ordway and others in the neighborhood be --
14 receive assurance that they won't become
15 arteries for cut-through traffic?

16 MR. WELLS: I think the general
17 point here is that this site is served by a
18 connected network of streets. There are
19 arterials, collectors and local streets that
20 -- were the local streets feed the connectors
21 feed the arterials for the heavily traveled
22 long-distance traffic.

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1 Is that a virtue or is that a vice?

2 I think that's a virtue because it
3 distributes traffic.

4 A street like Ordway carries less
5 than a thousand cars a day. As my memory is,
6 it's 8 to 900 vehicles per day.

7 Whereas Porter, and I'm doing this
8 from memory, is between 5 and 6,000 cars a
9 day.

10 That's how traffic sorts out today.

11 They're using the higher class -- the higher
12 volumes are using the higher classified
13 streets.

14 Now, if we find that some trucks as
15 unlikely as I think it would be would use
16 Ordway, perhaps there are truck prohibitions,
17 peak period turn prohibitions, various traffic
18 calming measures that we could bring to bear
19 on that problem if it materializes and I would
20 say generally that would apply to other
21 streets. If speeding becomes a problem on
22 Macomb or Newark, it isn't today by our

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1 measurements. It is on 34th Street. That's
2 where this escrow fund would come into play.

3 Now, I answered your question
4 generally, but that's my answer. Final
5 answer.

6 MR. ISAACS: One more question on
7 the intersection. It's an unusual and
8 somewhat odd five-way intersection and I guess
9 with traffic going two-way on the Idaho
10 portion across Wisconsin as well as cars from
11 Wisconsin, how will cars on Ordway safely turn
12 right onto Idaho? As you know, there is a
13 temporary barrier preventing Ordway traffic
14 from accessing Wisconsin Avenue.

15 MR. WELLS: It would function as it
16 does today. The -- traveling westbound on
17 Ordway, you're compelled to turn right onto
18 Idaho. You cannot turn left onto Idaho to get
19 to Wisconsin. Giant is not proposing to
20 change that.

21 In fact, I believe and my
22 recollection is that Giant has acknowledged

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1 that perhaps some of this escrow fund could
2 make that channelization which is accomplished
3 today by flexible bollards and pavement
4 markings, they could make that permanent with
5 raised curbs. So, if that is the wish of the
6 community, DDOT and that's a consensus that's
7 reached, Giant would be party to that.

8 MR. ISAACS: Another concern many
9 of us on the 3600 block of Ordway have is with
10 regard to parking. What is the rationale for
11 having absolutely no commercial parking for
12 the commercial establishments on the north
13 block?

14 MR. WELLS: My voice is getting
15 dry. So, maybe Richard can --

16 MR. HEAPES: I'll answer that.
17 Really the goal -- remember the goal is to
18 have the right number of parking spaces and
19 what does that mean from our perspective which
20 is to have the most shared use parking spaces
21 as possible so they're used from the morning
22 until nighttime?

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1 The north parcel is an oddly shaped
2 parcel and we are proposing to park the
3 residences on that parcel and we are going
4 down two and a half levels to parking and to
5 get to that parking, you're going down a very
6 steep speed ramp to get down short and get
7 under there. That is not the kind of entrance
8 to have a few selected commercial parking
9 spaces under there.

10 Our goal is to have every parking
11 space work full-time. That's how we're able
12 to afford to allow the community to use 30
13 spaces for Tuaimi's, Café Deluxe and
14 everything else going on out there today. Is
15 to maximize that share parking perspective.

16 Right now, our parking is equal
17 distance to Starbucks today as it is Café
18 Deluxe and it is centralized and has the least
19 impact on the urban environment.

20 So, these are expensive parking
21 spaces. They're valued treasured things in
22 this neighborhood. Ask anybody about parking

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1 supply there and they'll all go we got to make
2 it work. That's the strategy which is to have
3 a centralized pool of parking that gets used.

4 MR. WELLS: And --

5 MR. ISAACS: But, I think -- sorry.
6 Go ahead.

7 MR. WELLS: I was just going to say
8 part of the dynamic here is the community
9 favors more parking. DDOT favors less
10 parking. So, we're trying to reach the right
11 -- the balanced number that meets the needs of
12 this project without over serving the project
13 so we encourage driving.

14 MR. ISAACS: But, the question I'm
15 asking is not regarding at this moment the
16 number of parking spaces, but the placement of
17 the parking spaces and I think everyone's
18 common sense and personal experience is that
19 you park where it's most convenient and right
20 now especially with now a traffic light being
21 proposed at Idaho and Wisconsin, we fear that
22 people will park on adjoining residential

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1 streets.

2 CHAIRMAN HOOD: Do me a favor. Get
3 to your question.

4 MR. ISAACS: Yes, I'm sorry.

5 CHAIRMAN HOOD: And when you get
6 read to talk to us, then that's something you
7 want to convince us of. Try to maybe tweak
8 that or get the Applicant to maybe revisit
9 that.

10 But, you want to ask him a question
11 and you want to convince us because you want
12 to help us.

13 MR. ISAACS: From your experience,
14 would patrons of the north block park on the
15 local residential streets that are much closer
16 than the underground parking provided on the
17 south block without having to use an elevator
18 and walk the distance?

19 MR. WELLS: I think they will tend
20 to use the -- some of the on-street parking as
21 they do today. I think the reservoir of
22 parking in this garage is going to be very

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1 attractive. I think they'll park there as
2 well.

3 MR. ISAACS: Final question I have
4 is you are proposing to -- this might be for
5 Mr. Heapes. Proposing to eliminate the
6 commercial overlay to eliminate the existing
7 restrictions on additional restaurants, bars
8 and other establishments that will draw even
9 more traffic and parking. What is the basis
10 for that request?

11 MR. HEAPES: We're not proposing to
12 get rid of the overlay. We're proposing a PUD
13 which is new zoning around a specific plan of
14 which as part of the PUD we are limiting
15 height and use and everything else to a
16 specific plan.

17 We have on our own committed to the
18 conditions of the overlay such as a 20 percent
19 limit on banks and a 25 percent limit on
20 linear frontage of restaurant space.

21 It's important in answering this
22 that the Commission knows that the allowable

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1 percentage of restaurants in the overlay is
2 already used up. There's none left for our
3 site. So -- but, we're taking the same 25
4 percent principle. So, at the end of the day,
5 yes, we would like to have Starbucks and a
6 couple of restaurants as part of the normal
7 mix, but we are committed to restricting that
8 so that the fears and the intentions of the
9 overlay are intact and it is a PUD. Thank
10 you.

11 MR. ISAACS: Okay. Thank you very
12 much.

13 CHAIRMAN HOOD: Thank you. Okay.
14 Mr. Haines and I'm going to ask Mr.
15 Espenschied to be getting ready.

16 MR. HAINES: I'm Tom Haines from
17 3300 Idaho. I wanted to alert you to the fact
18 that I have questions for one of the witnesses
19 that didn't testify. That was Mr. Henning.
20 In addition, I will have question for Ms.
21 Wildrick, Mr. Heapes and Mr. Wells.

22 CHAIRMAN HOOD: Okay. Mr. Feola,

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1 can you make sure everybody comes to the
2 table?

3 MR. HAINES: Yes. Okay. So, the
4 first question is for either Mr. Wells or Mr.
5 Heapes. It concerns the truck management plan
6 mainly for the south parcel. Can you explain
7 exactly how it will work? How many dock
8 monitors? How exactly will they coordinate
9 the loading of the non-Giant truck and
10 residential uses?

11 MR. HEAPES: I'm sorry. I was
12 looking for the description of the dock
13 management plan.

14 I can't describe exactly how it
15 will be other than it will be coordinated by
16 someone actively managing it.

17 In reality, this is a little
18 different than most pieces of the city
19 including Macomb and Wisconsin. Let's just
20 compare to that condition what you know
21 relative to trucks on the curb, whatever.
22 Those are five, six, seven, eight, nine, ten

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1 property owners running their businesses
2 uncoordinated. I'm not saying it's bad or
3 wrong, but it is urban organic.

4 The thing that this has that's
5 different than most districts, it has single
6 ownership, managed ownership, on-site
7 management and all of the things as an
8 infrastructure to deal with these things.

9 When you talk about the
10 supermarket, those trucks aren't just coming
11 out of space and deciding to come to this
12 Giant. They're organized very specifically to
13 time and day.

14 What we have here that you don't
15 normally have is coordinated leases for every
16 retailer on the street. They're signing a
17 lease with the same company and there can be
18 attachments to that lease regarding penalties
19 and other inclusions include where their
20 employees will park. We can manage a lot of
21 things through a collectivization of leases.
22 So, this is a singly managed environment.

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1 That's how I can tell you with
2 confidence that it can happen. We've done it
3 in different places, but this is going to
4 require good neighborhood. We have to manage
5 that dock, alley with Tuaimi's and with Cactus
6 Cantina and the good thing is that our
7 interests are in line with the public's
8 interest.

9 The dock's got to work. You got to
10 get the trucks in there and so, do we have it
11 spelled out and addended to the agreement yet,
12 no, but it's not a new concept. It's been
13 done in the District. It's done on all of our
14 properties and that's all I can tell you at
15 this time.

16 But, we are committing to doing it
17 and there is a realm for making sure that we
18 do it. It's called enforcement.

19 MR. HAINES: Okay. Can you explain
20 exactly who would enforce it and how? Which
21 agency would enforce it?

22 MR. HEAPES: I don't know.

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1 VICE CHAIRMAN JEFFRIES: Oh, wow.
2 Good. It's this I don't know response.
3 That's a good response.

4 MR. HEAPES: Okay. Zoning.

5 MR. HAINES: Can you give me an
6 example of a place where this has been done?
7 It's not just a grocery store where a grocery
8 store is managing their own trucks, but rather
9 a mixture of other residences -- I mean other
10 retail operations. Can you give me an example
11 in the city where this has been managed and
12 who oversaw it?

13 MR. HEAPES: In all of the projects
14 I said in our introduction that we had done,
15 one of which we own, this is standard
16 operating procedure.

17 MR. HAINES: So, in those cases,
18 which was the governmental agency that
19 enforced it?

20 MR. HEAPES: Never came to that.

21 CHAIRMAN HOOD: I think he said --

22 MR. HEAPES: Never came to that.

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1 CHAIRMAN HOOD: His answer was he
2 didn't know, but --

3 MR. HAINES: Asking about the other
4 --

5 CHAIRMAN HOOD: That's what I'm
6 saying. Obviously, if he didn't know that
7 one, he probably doesn't -- I don't want to
8 speak for you. I don't want to answer for him
9 either, but he said he didn't know.

10 What you can do when you come up, I
11 actually think I know which one is it, but if
12 you come up and -- when you come up to
13 testify, then you can mention that to us and
14 we'll go --

15 MR. HAINES: Okay.

16 VICE CHAIRMAN JEFFRIES: And, Mr.
17 Chair, if you can indulge me for a second.
18 Just tell the Applicant, I mean you can just
19 really answer these questions very, very
20 direct. You don't have to provide --

21 MR. HEAPES: Thank you.

22 VICE CHAIRMAN JEFFRIES: -- lots of

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1 testimony. Just, you know, and because we've
2 heard a lot of what you've said.

3 MR. HEAPES: I got the message.

4 VICE CHAIRMAN JEFFRIES: Yes. So.

5 MR. HAINES: Okay. Well, you
6 mentioned in your --

7 MR. HEAPES: No. I'm sorry. Am I
8 allowed to do that? No, I'm sorry.

9 MR. HAINES: You mentioned in your
10 testimony before that you had many meetings
11 with members of the community. I'd like to
12 know if you had meetings with the non-PUD
13 business owners that are nearby. Particular
14 the Macomb alley. For example, the owners of
15 the adjacent restaurants. Have you had any
16 meetings with them?

17 MR. HEAPES: Not specifically on
18 this. No.

19 MR. HAINES: Right. You did say
20 earlier that you had a preliminary meeting
21 saying that you --

22 MR. HEAPES: I've had conversations

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1 with them.

2 MR. HAINES: With the owner of
3 Tuaimi's?

4 MR. HEAPES: Yes.

5 MR. HAINES: Are you sure about
6 that?

7 CHAIRMAN HOOD: His answer was yes.

8 MR. HAINES: Okay. Now --

9 CHAIRMAN HOOD: You did ask about
10 the non-PUD?

11 MR. HAINES: Yes, non-PUD.

12 CHAIRMAN HOOD: Okay. All right.

13 MR. HAINES: Yes. When you've
14 mentioned amenities, you mentioned a pocket
15 park over by the loading dock on Idaho.

16 MR. HEAPES: No.

17 MR. HAINES: And you called it a
18 green amenity.

19 MR. HEAPES: I believe I called
20 that an open space that was green to be exact.

21 MR. HAINES: I think I quote.
22 Green amenity should be found in the

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1 transcript.

2 MR. HEAPES: Okay.

3 MR. HAINES: Okay. My question for
4 you is how much of that pocket park is on
5 public property percentage-wise? You can look
6 at the picture and eyeball it I think.

7 MR. HEAPES: Well, fortunately, I
8 happen to have the drawing right here. Let me
9 make it clear. This is the corner he's
10 referring to. Here's the curb of Idaho.
11 Here's the green space here. There's
12 obviously green setback there as you're aware
13 today. So, all of that amenity is on private
14 property.

15 MR. HAINES: Okay. So, the thing
16 that you're calling the amenity is on private
17 property. Isn't this actually an attempt to
18 mitigate the problem with the loading dock
19 with the nearby residents rather than an
20 amenity?

21 MR. HEAPES: I'm not going to
22 define what an amenity is. It's 140 feet of

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1 lawn planted with grass with large trees that
2 by the way also helps to block and mitigate
3 the impacts of the loading dock.

4 I wouldn't want to wax all Walt
5 Whitman as to the value of a tree. I rest my
6 case that it's an amenity.

7 MR. HAINES: Okay. Has any of the
8 nearby neighbors expressed any interest in
9 this as an amenity?

10 MR. HEAPES: I think I was clear
11 that I said this was to be specifically a
12 passive green space. I can say that statement
13 because over the past three years we've had
14 calls for it to be a dog walk. We originally
15 proposed seating there. We originally
16 proposed the kind of amenity that you might
17 expect in the neighborhood and to say I got
18 shot down would be putting it kindly.

19 So, the consensus of the
20 neighborhood was geez, the trees and
21 everything are great. We don't need anybody
22 hanging out there. We don't need it. We've

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1 got the police brass across the way. So,
2 that's my answer.

3 MR. HAINES: Okay. Thank you. You
4 said also that a bigger store is the purpose
5 of the development. So, concerning --

6 MR. HEAPES: I said a state-of-the-
7 art store in today's market.

8 CHAIRMAN HOOD: Let him finish his
9 question.

10 MR. HAINES: And I'm just quoting.
11 I wrote this down as you said it. A bigger
12 store is the purpose of the development.

13 I wanted to ask though how the
14 other things fit in terms of how necessary
15 they are. For example, are the townhouses
16 necessary to build the grocery store or is the
17 number of townhouses that you have, a fixed
18 quantity of them being absolutely necessary or
19 is that something that is a variable quantity?

20 MR. FEOLA: Mr. Chairman, I'm going
21 to object. He didn't testify anything about
22 anything that this question goes to.

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1 CHAIRMAN HOOD: Mr. Feola, I
2 actually wanted to hear the answer. I think
3 he wanted to know -- I think you -- I think
4 you were going to whether the project was
5 doable without the townhomes. Is that --

6 MR. HAINES: Yes, that's the
7 question.

8 CHAIRMAN HOOD: You don't mind, Mr.
9 Feola. It'll be quicker for us to get the
10 answer and move on than for you to fight --
11 okay. We got it. Okay. I actually want to
12 know the answer.

13 MR. HEAPES: Is that the question?

14 MR. HAINES: Yes, the question --

15 MR. HEAPES: As you know through
16 our conversation of the past two years,
17 there's a lot of expense to this far and
18 beyond a typical grocery store with a parking
19 lot. It goes to ten-inch caliper trees. It
20 goes to green roofs. It goes to Smartcars.
21 It goes to 30 parking spaces. It is millions
22 of dollars.

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1 We believe not only is this
2 required economically, it's the right thing to
3 do. The diversity of housing, the residential
4 character of Idaho. So, yes, it's from our
5 perspective necessary which is why it's in the
6 application.

7 CHAIRMAN HOOD: Okay. Thank you.

8 MR. HAINES: Okay. I have some
9 other questions that are for other witnesses.
10 There are not as many.

11 CHAIRMAN HOOD: Okay. Can you let
12 us know who they are?

13 MR. HAINES: Yes, I wanted to ask
14 some questions of the engineer that wrote the
15 acoustic study.

16 CHAIRMAN HOOD: Okay.

17 MR. HAINES: Is that Mr. Henning?
18 I wanted to ask if you could -- I mean so I'm
19 now going to have to refer to some things that
20 are in the record, but were not testified
21 about. Sorry about that.

22 CHAIRMAN HOOD: It can cross

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1 examined.

2 MR. HAINES: Yes, in the noise
3 study, I was confused about how some of the
4 truck noise measurements versus loading
5 facility noise measurements were made? I mean
6 there is some microphones that were placed as
7 I understand it around the property at various
8 points and then in the tables, it says that
9 there's information about how much noise comes
10 from truck traffic or truck movements and then
11 there's also tables about loading facility
12 noise and I wanted to know how the microphones
13 distinguished between the sources of the
14 noise.

15 MR. HENNING: Gerald Henning and my
16 address is 541 Anderson Avenue, Rockville,
17 Maryland.

18 The measurements of the trucks in
19 terms of loading and maneuvering were done by
20 me with a hand-held instrument. So, I can
21 identify the source of the noise and then make
22 the measurements and can relate it that way.

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1 There were some -- a couple of
2 instruments that were set up down on -- near
3 Idaho and at the back of the parking lot that
4 were not hand-held and monitored continuously,
5 but they recorded the noise continuously over
6 15-minute periods.

7 MR. HAINES: Okay. So, during the
8 time when they were just recording the noise
9 and you weren't there, how were they
10 specifically going to tell whether a given
11 noise from the direction of the store was a
12 truck noise or a loading dock unloading noise?

13 MR. HENNING: Those were not.
14 Those recorded all the noise, but the
15 measurements that were made of the trucks and
16 the unloading were done about 50 feet away
17 from the trucks. Whereas, those instruments
18 are back, you know, hundreds of feet away, you
19 know, from -- from --

20 MR. HAINES: Right.

21 MR. HENNING: -- those noises.

22 MR. HAINES: Okay. But, I wanted

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1 to just -- that's the thing that I'm kind of
2 confused about. I can understand how from 50
3 feet away you can measure a truck and see
4 okay, that's how loud a truck is from 50 feet
5 away, but you have tables where you say how
6 much the loading noises say from say a
7 location that's near my neighbor Phillip
8 Montalto's second floor window. You say in
9 the tables how much noise is due to truck
10 noise from that location and also you say how
11 much noise is due to unloading noise from that
12 location and so, it's not clear to me how you
13 can discern which noise is which when, you
14 know, in the one hand, you went to 50 feet
15 away from the truck and took a measurement.

16 Okay. That tells you how loud it
17 is from 50 feet, but when you set up
18 microphones near Phillip Montalto's second
19 floor window, how did you determine in your
20 table which, you know -- what the amount of
21 noise was that was from loading and which was
22 from truck noise if you weren't just

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1 physically there the whole time?

2 You also gave an average figure for
3 the whole day. So, you know, how was this
4 done?

5 MR. HENNING: Well, these were done
6 at the same time. When you take the
7 measurement at 50 feet, you get that noise
8 from that operation. In other words, from the
9 truck maneuvering or from unloading and then
10 you can take that information and extrapolate
11 these other locations.

12 MR. HAINES: Well, how do you do
13 the extrapolation? I mean you have different
14 kinds of noise and you sample the kinds of
15 noise or something with your instruments?

16 MR. HENNING: Yes, I mean it --
17 when you are there at the truck, you can tell
18 that, okay, this is an unloading noise. I can
19 take a measurement of that.

20 When the truck is maneuvering, know
21 that that is a maneuvering noise and I can
22 take a measurement of that.

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1 MR. HAINES: Um-hum.

2 MR. HENNING: And then I can
3 extrapolate into different businesses.

4 MR. HAINES: Okay. So, it sounds
5 to me like the way you do it is --

6 CHAIRMAN HOOD: No, just ask a
7 question.

8 MR. HAINES: Okay.

9 CHAIRMAN HOOD: Just ask a question
10 and you can come up at your time and testify
11 and explain to us how you think it should have
12 been done, but right now, you just want to ask
13 questions.

14 MR. HAINES: I just wanted to
15 understand better, but I won't testify about
16 it later because I only have questions about
17 that. But, new pace. Let me go on.

18 CHAIRMAN HOOD: Ask your question.
19 Make a question out of it.

20 MR. HAINES: Okay.

21 CHAIRMAN HOOD: Okay.

22 MR. HAINES: You measured average

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1 noise due to trucks and to unloading and you
2 gave the measurements of average noise at
3 various locations. Correct?

4 MR. HENNING: Yes.

5 MR. HAINES: Okay. Did you use --
6 when you measured average truck, did you use a
7 figure to determine how many trucks -- what
8 was your daily figure that you were using to
9 determine the average?

10 MR. HENNING: I have it in the
11 report. I believe it's five tractor trailers.
12 Something like 15 box trucks.

13 MR. HAINES: I think -- yes, it was
14 five tractor trailers. Now, so just for
15 everyone's benefit, if the number of tractor
16 trailers per day were different than five in
17 the proposed project, say it was seven and a
18 half on average, what would that do to the
19 average sound measurements that you would
20 expect?

21 MR. HENNING: On the average, there
22 would be only one or two dB difference on the

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1 levels that were determined. Because the way
2 it works is if you have two sources that are
3 the same and you add them together, it only
4 increases the total by three decibels.

5 So, going from five to seven and a half
6 is really a small increase.

7 MR. HAINES: Even in the average?

8 MR. HENNING: Yes.

9 VICE CHAIRMAN JEFFRIES: You're
10 talking averages here.

11 MR. HAINES: Yes.

12 VICE CHAIRMAN JEFFRIES: So.

13 MR. HAINES: My point is simply
14 that if you -- say -- to make the numbers
15 simpler, suppose your number of trucks over
16 the whole day was ten instead of five. Then
17 the average noise, it seems to me, would
18 double.

19 MR. HENNING: Well, it's not. The
20 way that the decibel system works is it's not
21 proportional to the energy and from the
22 standpoint of doubling the number of trucks,

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1 that only increases the level on the average
2 three decibels and three decibels is just a
3 generally perceptible difference in the noise
4 levels.

5 So, because it's a logarithmic
6 system and not an arithmetic system, you have
7 to take that into account in terms of taking
8 those numbers and converting them into what
9 people hear.

10 MR. HAINES: Okay. Okay. I think
11 that that's all my questions. Thank you very
12 much.

13 CHAIRMAN HOOD: Thank you. Thank
14 you, Mr. Haines. Mr. Espenschied and I want
15 to ask Mr. O'Sullivan to get ready.

16 Let me just do a -- I know I said I
17 was going to do a quick review of where we
18 are. I anticipate us going to Office of
19 Planning tonight. I'm not sure how cross
20 examination is going to go. I think we'll do
21 the Office of Planning and DDOT tonight with
22 cross examination.

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1 Does everybody think we can get
2 there? Okay.

3 And then after that, I think we
4 won't hit -- we will come back at a later date
5 and I'm going to ask Ms. Schellin to come up
6 with a date for us to start the parties. The
7 ANC first and then the parties.

8 VICE CHAIRMAN JEFFRIES: You think
9 we'll be able to do all that in two hours? In
10 terms of tonight? In terms of what you just
11 stated?

12 CHAIRMAN HOOD: I think so.
13 Because I'm looking at the clock. It's 9:40
14 now and the way this is going -- does
15 everybody agree with me? You think we'll be
16 able to get at least that far? I'm asking --
17 everybody up here's saying no. I'm asking you
18 all. I'm not worrying about them. I'm asking
19 you all do you think we can get there? Let's
20 just keep going and see how far.

21 Here's what I don't want to do. I
22 don't want people to sit here all night

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1 especially those individuals who want to
2 testify and those -- whether in support or
3 opposition and we don't get to you tonight and
4 we sat here and we waited until 11:30 to tell
5 you. So, I'm trying to make sure we're
6 cognizant of the time and let you know exactly
7 how far we're going to go.

8 Whoever -- whatever we leave and
9 whatever we say before people leave, that's
10 where we're going to stop. We don't want you
11 to leave and then we go ahead and hear people
12 from support and when you come back, we're at
13 opposition. We don't want that to happen.

14 So, let's just keep moving. We'll
15 see what happens.

16 Let's -- okay. Do it now? Right
17 now? Can you wait three minutes? Mr.
18 Espenschied, he's only going to be a minute
19 and a half. Okay. Mr. Espenschied, you're
20 only going to be a few minutes. Right? Okay.

21 With that -- let me just say with
22 that, my colleagues have asked that we take a

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1 five minute --

2 MS. SCHELLIN: Chairman, maybe
3 while you guys are taking a break I could meet
4 with the parties and try to come up with that
5 second date.

6 CHAIRMAN HOOD: Thank you very
7 much.

8 MS. SCHELLIN: Okay. If I can have
9 --

10 CHAIRMAN HOOD: Mr. Espenschied,
11 we'll start with you when we come back. Five
12 minutes please.

13 MS. SCHELLIN: If I can have the
14 representative from the parties to come up.

15 (Whereupon, at 9:39 p.m., off the
16 record until 9:50 p.m.)

17 CHAIRMAN HOOD: To order. We're
18 going to call this hearing back to order
19 please.

20 Okay. We're going to start off
21 where we left off. Before Mr. Espenschied
22 begins, Ms. Schellin, I understand we've

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1 worked out a date to continue this hearing.

2 MS. SCHELLIN: Yes.

3 CHAIRMAN HOOD: Can you give us
4 that date and the time?

5 MS. SCHELLIN: Yes, 6:30 p.m. on
6 Monday, April 6.

7 CHAIRMAN HOOD: Okay. Where we are
8 now we're going to try to -- and I think we're
9 going -- we're try to finish up. We just have
10 Mr. Espenschied and Mr. O'Sullivan for cross
11 examination of the Application.

12 Then we're going to go to the
13 Office of Planning and we're going to try to
14 do cross of the Office of Planning only.

15 Then we may have to -- I think
16 that's the point where we're going to break
17 and we're going to have DDOT to come back on
18 April the 6 at 6:30 and pick up from that
19 point and let DDOT do its presentation and
20 cross and we'll take it from there.

21 Does that sound agreeable? Okay.

22 Thank you.

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1 Mr. Espenschied, you may begin.

2 MR. ESPENSCHIED: Am I okay on the
3 sound? All right.

4 First I want to address Mr. Heapes
5 with some questions. You make some statements
6 about -- I think. Am I okay now?

7 I asked Mr. Jeffries --

8 VICE CHAIRMAN JEFFRIES: That's
9 just Pandora's Box.

10 MR. ESPENSCHIED: That's up and
11 down. It's just blasting him.

12 Okay. Mr. Heapes, you made some
13 statements about the overlay that frankly I
14 didn't quite understand. I think you said
15 that the -- that you were content to leave the
16 overlay in place, but not -- but with certain
17 exceptions. Was that what you said?

18 MR. HEAPES: The question was asked
19 of me is our intent to get rid of the overlay
20 which is a different question. That has never
21 been our intent. Our intent has been through
22 a PUD to right zoning appropriate to this

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1 which means it's no longer any zoning
2 category. That's what PUD is and exploring
3 the overlay as you well know -- following the
4 overlay would essentially prescribe no
5 restaurants which we are unable to live by.
6 We are happy to live by the intent of the
7 overlay which is that this is not a restaurant
8 driven project.

9 CHAIRMAN HOOD: I think you've
10 answered the question. Okay.

11 MR. ESPENSCHIED: Well, I guess I
12 have to confess that it's still -- I don't get
13 it. Because the overlay takes into -- it
14 takes in --

15 CHAIRMAN HOOD: Mr. Espenschied.

16 MR. ESPENSCHIED: -- an area --

17 CHAIRMAN HOOD: Mr. Espenschied,
18 now again, I know you know this. I've been --
19 you and I have been seeing each other for
20 years. We just want to ask questions. Okay.

21 MR. ESPENSCHIED: Yes. Okay. To
22 clarify that, Mr. Heapes, are you saying that

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1 you would leave the overlay in place for the
2 part not covered by the PUD?

3 MR. HEAPES: No.

4 MR. ESPENSCHIED: Do you want to
5 remove it for the area that the PUD covers?

6 MR. HEAPES: No, what is in the
7 application is our proposal for this PUD with
8 our proffered restrictions.

9 MR. ESPENSCHIED: So, the overlay
10 would stay there, but with restrictions?

11 MR. HEAPES: No.

12 MR. ESPENSCHIED: All right. I'm
13 baffled. But, it is clear from what you've
14 said that you want to be able to put 25 percent
15 of your frontage into restaurants. Right?
16 That you have said. Three hundred --

17 MR. HEAPES: Up to.

18 MR. ESPENSCHIED: Up to.

19 MR. HEAPES: Up to 25 percent.

20 MR. ESPENSCHIED: Yes. Yes, I
21 understand.

22 MR. HEAPES: Correct.

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1 MR. ESPENSCHIED: Three hundred
2 seventy-five feet out of your 1500. Is that
3 right?

4 MR. HEAPES: Up to.

5 MR. ESPENSCHIED: Yes. Okay. And
6 is it correct then that if you do that the
7 total overlay area would allow up to about 45
8 or 50 percent restaurant frontage? That is to
9 say the part that's in your PUD plus the part
10 that's not in your PUD which is already filled
11 to the extent of 25 percent of the total.

12 MR. HEAPES: In our calculations
13 when I first discovered that the overlay was
14 used up for restaurants, I said if we did our
15 restriction of 25 percent. I believe our
16 numbers showed us being closer to 35 percent
17 total for the whole district.

18 MR. ESPENSCHIED: Okay. Well, I
19 won't argue the point. Now, you also said
20 that you want to preserve the neighborhood
21 uses. Did you not? That the overlay
22 prescribes. That is that you didn't want to

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1 get rid of the overlay in order to get rid of
2 the use restrictions. Is that true?

3 MR. HEAPES: There was a couple
4 didn'ts in there.

5 MR. ESPENSCHIED: Well, then let me
6 ask it in an affirmative way.

7 MR. HEAPES: Please.

8 MR. ESPENSCHIED: What is your
9 intent about the overlays prescription about
10 neighborhood serving uses? Do you want to
11 keep that in effect or do you want to get rid
12 of it?

13 MR. HEAPES: We want general retail
14 that services the neighborhood, but we're not
15 prescribing that. We're asking the council
16 for a PUD with general category retail. Which
17 is configured in the plan for small shops.

18 We have also offered a 20 percent
19 restriction on banks which we got from the
20 overlay.

21 MR. ESPENSCHIED: Okay. And is it
22 your understanding that if the overlay were in

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1 place you could still get restaurants through
2 special exceptions or are you writing that off
3 as not practical?

4 MR. HEAPES: It is not a risk
5 mitigating approach to getting our approval.
6 We are looking for final approval on the
7 zoning through this process.

8 MR. ESPENSCHIED: Okay. In that
9 case, would it satisfy your needs if the
10 overlay remained in place, but the PUD were
11 approved with a specific allowance of
12 restaurant space notwithstanding the overlays
13 restrictions? Is there any reason why that
14 would not be acceptable to you?

15 MR. HEAPES: You want to handle
16 that, Phil? You've come out around. Our want
17 is a really great neighborhood center with a
18 few restaurants and neighborhood uses. The
19 specific legal way to do that, we believe
20 we're doing it the right way now.

21 So, we do not have an agenda around
22 -- we do not have an agenda around the overlay

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1 if that is what you're asking.

2 MR. ESPENSCHIED: Okay. Do you
3 expect that if you redeveloped the north block
4 under your PUD that the retail spaces will
5 have a rental rate substantially greater than
6 what the retail tenants are now paying to your
7 client Giant?

8 MR. HEAPES: I have no way of
9 knowing that.

10 MR. ESPENSCHIED: So, you think
11 that it's possible that it wouldn't be much
12 different?

13 MR. HEAPES: Yes.

14 MR. ESPENSCHIED: Okay. All right.
15 Now, you made some statements about the
16 vacancies. In fact, you used, I think, the
17 term abandoned properties on Wisconsin Avenue.

18 MR. HEAPES: Abandoned store fronts
19 I believe.

20 MR. ESPENSCHIED: Abandoned store
21 fronts. Yes. Tell me if this is a fair
22 statement. All of the vacancies on Wisconsin

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1 Avenue which are in Giant's building were
2 created by Giant evicting the businesses?

3 MR. HEAPES: I have no idea.

4 MR. FEOLA: I'm going to object to
5 that. In the first instance, just so you
6 know, Murphy's went bankrupt and went out of
7 business. I don't know about the other ones,
8 but it wasn't germane to what Mr. Heapes
9 testified.

10 CHAIRMAN HOOD: Okay.

11 MR. ESPENSCHIED: Mr. Chairman, I
12 have to object to Mr. Feola's statement --
13 testifying. Because I know and can testify
14 that that is not true.

15 CHAIRMAN HOOD: I would have to
16 agree with Mr. -- I don't do this often, but I
17 agree with Mr. Feola this time. So, if you
18 can move to the next question. I'm putting it
19 out there. He knows it, but if you'd move to
20 the next question.

21 MR. ESPENSCHIED: Understand.
22 You've said little or nothing or about the

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1 relation of your plan to the District's
2 Comprehensive Plan Law.

3 You describe your firm as
4 experienced in making lots of redevelopments
5 and they all seem to be really big. If you
6 are given a PUD approval for this site, would
7 you say that the result will still be low-
8 density commercial? Which is what the Comp
9 Plan prescribes.

10 MR. HEAPES: Yes.

11 MR. ESPENSCHIED: Okay. You would
12 characterize your five-story building and so
13 on as low-density commercial?

14 CHAIRMAN HOOD: He said yes. He
15 said yes. If you want to refute that when you
16 come up for your testimony, Mr. Espenschied.

17 MR. ESPENSCHIED: Yes, well, that
18 will be easy.

19 You said that your marketing
20 consultants have said that this is a correct
21 size for this store. Is that right?

22 MR. HEAPES: No, the size of the

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1 store was given to us by the Applicant as a
2 condition of their desires for the site.

3 MR. ESPENSCHIED: Okay.

4 MR. HEAPES: That would be Giant.
5 Not our marketing. That would be the owners
6 of the store.

7 MR. ESPENSCHIED: Oh. Okay. I
8 thought you said something about maybe their
9 marketing consultants. No? Okay.

10 Now, we have seen a lot of cases
11 where real estate developers have misjudged
12 the market. How can we be assured that that
13 won't happen at this site?

14 I mean you're familiar, I'm sure,
15 with the Tenleytown situation that's just
16 happened.

17 VICE CHAIRMAN JEFFRIES: Wait.
18 Now, that was part of testimony?

19 MR. ESPENSCHIED: Excuse me.

20 VICE CHAIRMAN JEFFRIES: Your
21 question.

22 MR. ESPENSCHIED: About their --

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1 VICE CHAIRMAN JEFFRIES: What's the
2 genesis of your question?

3 MR. ESPENSCHIED: Oh, it's about
4 their judgment that this is a store than can
5 make it at this site.

6 VICE CHAIRMAN JEFFRIES: I just
7 didn't hear any -- I was just trying to get
8 the basis of your question, but go on.

9 MR. ESPENSCHIED: Well, the problem
10 is --

11 VICE CHAIRMAN JEFFRIES: I didn't
12 hear any testimony or anything on --

13 MR. ESPENSCHIED: Okay. Well, I'll
14 withdraw it if you wish.

15 VICE CHAIRMAN JEFFRIES: Yes.
16 Okay.

17 MR. ESPENSCHIED: Okay. That's all
18 I have for Mr. Heapes. I'd like to address
19 Marty Wells.

20 I believe you said that there is
21 currently a good level of service at this
22 location and you said level D which I think

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1 you equated to good. Did I hear you right?

2 MR. WELLS: Level of service D is
3 generally considered acceptable in an urban
4 area and even suburban areas.

5 MR. ESPENSCHIED: Okay.

6 MR. WELLS: So, D or better is
7 considered acceptable. Even E is considered
8 acceptable in certain urban areas.

9 MR. ESPENSCHIED: Okay. Is this
10 grade inflation? I don't remember it that
11 way.

12 The Wisconsin Avenue Corridor Study
13 which you cited seems to -- with what you've
14 testified, but you said, I think, that it
15 agrees completely with your analysis. This
16 was done four or five years ago. Presumably
17 -- well, I want to ask you. I would presume
18 that things have not improved since then. Is
19 that a fair statement?

20 MR. WELLS: I believe my testimony
21 was that the existing levels of service that
22 we calculated and they calculated were nearly

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1 identical.

2 MR. ESPENSCHIED: Okay. Now, their
3 scenario one which is the lightest amount of
4 development expected in the corridor study
5 goes --

6 CHAIRMAN HOOD: I don't know how
7 much we can go to the corridor study. Because
8 I -- does anybody have that? Do we have that
9 in our -- we can't equate the corridor study.
10 You can --

11 MR. ESPENSCHIED: He cited it.

12 CHAIRMAN HOOD: He cited it, but
13 you're giving us stats in the study and I
14 guess you're going to be putting that in the
15 record?

16 MR. ESPENSCHIED: Well, yes, I
17 guess so if it's not already in the record. I
18 sort of assumed it was since the traffic --
19 since the traffic report has referred to it.

20 CHAIRMAN HOOD: And I will tell you
21 I didn't see it.

22 MR. ESPENSCHIED: Okay.

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1 CHAIRMAN HOOD: Did you put it in
2 the record, Mr. Wells?

3 MR. WELLS: We certainly didn't put
4 the report in the record.

5 CHAIRMAN HOOD: Okay. I would just
6 say, Mr. Espenschied, you want to equate
7 things that will be beneficial to us like he
8 spoke about how they were near terms with
9 their findings with DDOT. You may want to
10 gear your questions towards that to help us.
11 Because we don't even have that study that
12 you're getting ready to read from.

13 MR. ESPENSCHIED: Okay. Well,
14 would it be useful if --

15 CHAIRMAN HOOD: So, that's not
16 beneficial.

17 MR. ESPENSCHIED: -- we were to
18 submit at least the relevant pages of --

19 CHAIRMAN HOOD: I don't even know
20 if -- I don't -- you know, ask your question.
21 But, if you think it's relevant and it's
22 going to convince us, then you may want to

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1 submit that.

2 MR. ESPENSCHIED: Okay.

3 CHAIRMAN HOOD: And testify to it
4 in your testimony.

5 MR. ESPENSCHIED: Well, the
6 question -- the questions really converge on
7 the issue of whether this level of development
8 which is very high as these developments go
9 would lead to what the study says would be --

10 CHAIRMAN HOOD: Is there a question
11 here?

12 MR. ESPENSCHIED: Yes.

13 CHAIRMAN HOOD: Okay.

14 MR. ESPENSCHIED: I'm formulating a
15 question.

16 CHAIRMAN HOOD: Okay.

17 MR. ESPENSCHIED: Would the
18 development that you're anticipating lead to
19 scenario two which is level F for certain
20 times at this location? That's failure level.

21 MR. WELLS: Our forecast had no
22 relationship with scenario one, two, three or

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1 four. That's why I did not compare our future
2 level -- forecast for levels of service with
3 the levels of service in the Wisconsin Avenue
4 Corridor Transportation Study.

5 CHAIRMAN HOOD: Mr. Espenschied,
6 make that in your case. You need to submit
7 that because I don't know what scenario two
8 is.

9 MR. ESPENSCHIED: Okay.

10 CHAIRMAN HOOD: Okay.

11 MR. ESPENSCHIED: All right. We'll
12 go further with that.

13 CHAIRMAN HOOD: Okay.

14 MR. ESPENSCHIED: You said
15 something about the crossing at Norton Place
16 that you wanted to eliminate a crosswalk there
17 when you install a traffic signal at Idaho
18 Avenue and Ordway Street. Is that correct?

19 MR. WELLS: That's correct.

20 MR. ESPENSCHIED: Okay. Now, I
21 presume you're familiar with the District's
22 crosswalk laws which establish that Norton

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1 Place if you take out the crosswalk lines
2 would remain an unmarked crosswalk where it's
3 perfectly legally for people to cross. Is
4 that -- you understand that?

5 MR. WELLS: Giant does not own
6 these streets. Giant can do nothing within
7 the public right-of-way without DDOT and the
8 District Government's permission.

9 MR. ESPENSCHIED: But, I thought
10 you said that you're proposing to remove the
11 crosswalks there.

12 MR. WELLS: We would offer that as
13 -- we're mindful that a tragic accident
14 occurred at that uncontrolled intersection.
15 Somebody was killed there.

16 We think that protecting a
17 pedestrian crossing Wisconsin at a signal with
18 appropriate signage, pavement marking,
19 pedestrian signal heads properly timed is a
20 safer way to do that.

21 MR. ESPENSCHIED: Okay. You said
22 an escrow is to be put aside. How much?

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1 MR. WELLS: One hundred thousand
2 dollars.

3 MR. ESPENSCHIED: Okay. Do you
4 recall what the ANC recommended?

5 MR. WELLS: I do not.

6 MR. ESPENSCHIED: Okay. Could you
7 tell us appropriately what's the typical cost
8 for installing a traffic signal? I realize
9 that the Idaho Avenue one would be a little
10 more complex than average, but what's a
11 typical cost?

12 MR. WELLS: They're frightfully
13 expensive. About a quarter million dollars.

14 MR. ESPENSCHIED: Okay. So, the
15 escrow wouldn't even cover one?

16 MR. WELLS: That was -- it would
17 not nor was that intent of that escrow fund.

18 MR. ESPENSCHIED: Okay. Now, on
19 the local streets, for example, Newark Street
20 which is as you know very concerned about
21 being turned from a local street into a
22 through street, would you expect that Seattle

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1 circles, for instance, might be a traffic
2 calming device or control device to be used
3 further down Newark Street and if so, what do
4 those cost?

5 MR. WELLS: I would expect that
6 Giant, the community and DDOT would follow the
7 traffic calming policies, procedures and
8 guidelines. Whether Seattle circles or
9 Washington circles or Moscow circles or any
10 other device would be considered would be a
11 matter for all the parties to discuss.

12 I mean part of the reason we have
13 an escrow fund is we haven't gone through this
14 process, this traffic calming --

15 MR. ESPENSCHIED: I'm just asking
16 you what would be a typical cost for such a
17 circle.

18 MR. WELLS: I'd have to refer back
19 to our files. I don't know off the top of my
20 head.

21 MR. ESPENSCHIED: No even rough
22 estimate? If we're talking about 50,000 --

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1 MR. WELLS: I'm not -- I'm not
2 going to guess.

3 CHAIRMAN HOOD: Mr. Espenschied.

4 MR. WELLS: I'm not going to guess
5 on the stand here.

6 MR. ESPENSCHIED: Sorry. All
7 right. Moving on. I think you said that
8 commuters in the area use public -- about a
9 third of them use public transportation and
10 about two-thirds go by automobile. Was that
11 correct?

12 MR. WELLS: No, I said the
13 residents the U.S. Census reports journey to
14 work -- modes of travel for residents of this
15 area, the statistics are roughly half or a
16 little more than half drive, about a third
17 take public transportation and about a sixth
18 do something else in rough terms.

19 MR. ESPENSCHIED: Okay. Do you
20 know how they count people who drive to the
21 nearest subway station and then take the
22 subway? We have a great many who do that.

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1 MR. WELLS: You've got me stumped.
2 I don't know. I'd have to read the census.
3 Reread the census definitions and I'd be happy
4 to do that for you.

5 MR. ESPENSCHIED: Okay. That's all
6 that I have for you.

7 MR. WELLS: Thank you.

8 MR. ESPENSCHIED: You're welcome.

9 VICE CHAIRMAN JEFFRIES: You've
10 been dismissed.

11 MR. WELLS: Can I go home now?

12 CHAIRMAN HOOD: Mr. Espenschied,
13 can you tell me about how many more questions
14 you have and how many more witnesses?

15 MR. ESPENSCHIED: Very few.

16 CHAIRMAN HOOD: Okay.

17 MR. ESPENSCHIED: Just for Ms.
18 Craighill.

19 CHAIRMAN HOOD: Okay. Ms.
20 Craighill. Okay.

21 MR. ESPENSCHIED: It's about the
22 LEED certification matter. The local ANC gets

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1 a lot of applications as you can imagine for
2 public buildings, schools and the like and the
3 experience is that the LEED certification is
4 stated in the application as to what it's
5 going to be. But, if I understood you right,
6 there seems to be inability or hesitation to
7 say in the application what level of LEED
8 certification, if any, will be accomplished.
9 Did I understand that correctly?

10 MS. CRAIGHILL: It is -- the
11 project is at such a preliminary stage that it
12 would be unwise to state. You can state a
13 target if you choose to, but you couldn't
14 state at this time that it will achieve one or
15 the other.

16 MR. ESPENSCHIED: Well, I'm
17 comparing it with PUD applications which made
18 that kind of commitment and this one doesn't.
19 There's no particular reason for that?

20 MS. CRAIGHILL: Right. I don't
21 know the answer to that.

22 MR. ESPENSCHIED: Okay. That's all

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1 I have, Mr. Chairman.

2 CHAIRMAN HOOD: Thank you very
3 much, Mr. Espenschied. Mr. O'Sullivan.

4 MR. O'SULLIVAN: My mouth is --

5 CHAIRMAN HOOD: Okay. So, this is --
6 so, he's going to be asking questions
7 throughout all cross examination. Right?
8 Okay.

9 VICE CHAIRMAN JEFFRIES: You're
10 going to be the whisperer?

11 CHAIRMAN HOOD: I will tell you
12 that you might -- if you're going to -- when
13 we do cross a lot of people, you're going to
14 want the ask the questions. You might want to
15 switch now and let you -- let him whisper into
16 you and you answer the questions or he's going
17 to be asking questions throughout.

18 VICE CHAIRMAN JEFFRIES: I think
19 they went through it already.

20 MR. KORBEL: I'll be asking --

21 MR. O'SULLIVAN: For this party,
22 for the Applicant.

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1 CHAIRMAN HOOD: Well, here's my
2 problem with bending that. Previously, I did
3 that and we had to come back and have a whole
4 other hearing because actually that is not our
5 rules and it was a technicality and the person
6 used that against me. I was being nice and
7 they used that against me. So, I think to
8 keep -- you promise you won't do it. Can I --
9 do you want -- can you have him take the oath?

10 MR. O'SULLIVAN: Member of the D.C.
11 Bar.

12 CHAIRMAN HOOD: You're -- okay.
13 All right. Let's go ahead. Because I don't
14 want to -- I really don't want to argue with
15 you. So, but that's the rules. Okay. All
16 right.

17 Now, you're not -- now, you're
18 going to -- let me get this straight. You're
19 going to ask the questions from here on out.
20 You just want him to do it to the Applicant.

21 MR. O'SULLIVAN: Want him to do it
22 to the Applicant. I'm going to do it to DDOT

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1 and OP.

2 CHAIRMAN HOOD: Okay. Fine. Okay.

3 We got it. Ms. Schellin, can you make a note
4 of that for me please. He's going to do OP
5 and DDOT and this gentleman once he's
6 identified himself is going to do the
7 Applicant. Okay. All right. Let's move.

8 MR. O'SULLIVAN: We haven't
9 decided. He may do it, but each one of us
10 will --

11 CHAIRMAN HOOD: We haven't --

12 MR. O'SULLIVAN: He may do more,
13 but each one of us will --

14 MR. KORBEL: It will be one or the
15 other, sir.

16 CHAIRMAN HOOD: Okay.

17 MR. O'SULLIVAN: We're both on --

18 MR. KORBEL: Chairman Hood, thank
19 you.

20 CHAIRMAN HOOD: Could you give us
21 your name please?

22 MR. KORBEL: My name is John

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1 Korbel. I live at 3420 Newark Street, N.W.
2 about two and a half blocks from the Giant
3 Store.

4 I will say that Mr. Heapes and Mr.
5 Wells are lucky that Mr. O'Sullivan's not
6 asking the questions. He's a lawyer. I'm a
7 rookie at this. I should get a handicap.

8 MR. O'SULLIVAN: You're a Ph.D.
9 though. Right?

10 MR. KORBEL: Yes. The -- now, I
11 have -- I do have a number of questions for
12 Giant Store, the representative from Giant
13 Store. Is there a representative from Giant
14 Store here tonight?

15 MR. O'SULLIVAN: There is, but he
16 didn't testify.

17 MR. KORBEL: Well, then I'll have
18 to try and direct these questions to Mr.
19 Heapes. In the submittal of information
20 before this, there was an outline from I
21 believe a representative from Giant Store and
22 so, it may be that -- I would like to know

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1 what happens if Mr. Heapes is not in a
2 position to answer questions related to Giant?

3 CHAIRMAN HOOD: That was in the
4 testimony outline?

5 MR. KORBEL: Yes, sir.

6 CHAIRMAN HOOD: Okay. Do you know
7 what -- let me see. I'm just trying to see if
8 I can -- I'm here looking at the testimony.

9 MR. FEOLA: It was, but --

10 CHAIRMAN HOOD: Is that Anthony --

11 MR. FEOLA: Colavolpe.

12 CHAIRMAN HOOD: Colavolpe.

13 MR. FEOLA: That's correct.

14 CHAIRMAN HOOD: Okay.

15 MR. FEOLA: But, in the interest --
16 in conversations with your staff, to limit our
17 presentation to 50 minutes, we jettisoned some
18 things that --

19 CHAIRMAN HOOD: So, but, Mr. Feola,
20 what he -- it is something here behind Exhibit
21 E and it talks about his outline. His
22 question is in reference to the outline. I

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1 don't know what -- you know, we haven't heard
2 the question.

3 MR. FEOLA: Right. The cross
4 examination is about testimony or --

5 CHAIRMAN HOOD: About what's in the
6 -- about what's in the record.

7 MR. FEOLA: -- expert reports. Not
8 --

9 CHAIRMAN HOOD: Right. But, it's
10 part of the record. Right? This is part of
11 the record. It says Anthony Colavolpe.

12 MR. FEOLA: Colavolpe.

13 CHAIRMAN HOOD: Colavolpe. It's
14 getting late and I have not had the easiest
15 evening tonight. Colavolpe. Is he here?

16 MR. FEOLA: He is here.

17 CHAIRMAN HOOD: Now, is it a --
18 work with me, Mr. Feola. Let's work this out
19 now. Let's let him come up here and talk
20 about this outline.

21 MR. FEOLA: I just think talk about
22 bending the rules. Cross examination is

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1 suppose to be either about direct testimony or
2 about expert reports in the record. It's not
3 suppose to be about an outline of a potential
4 witness that didn't testify.

5 CHAIRMAN HOOD: But, see what we
6 did previously -- what I just did previously,
7 I had --

8 MR. FEOLA: Putting aside the
9 argument, I'm happy to bring Mr. Colavolpe up.

10 CHAIRMAN HOOD: Thank you so much.
11 You don't know how greatly I appreciate it.

12 MR. FEOLA: But, I don't believe
13 the questions are going to be germane to this
14 hearing.

15 CHAIRMAN HOOD: And if they're not,
16 we're going to cut them off and we're going to
17 move right to the next one.

18 MR. COLAVOLPE: Okay. For the
19 record, Anthony Colavolpe. There you go.
20 Like Coca-Cola. I live in Connecticut not in
21 Washington. If you'd like that address, I'm
22 happy to give it to you. It's 69 North Road,

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1 Branford, Connecticut.

2 MR. KORBEL: Thank you, Mr.
3 Colavolpe. Did I get that right?

4 MR. COLAVOLPE: You did.

5 MR. KORBEL: Mr. Colavolpe, is it
6 true that Stop 'n' Shop/Giant basically is a
7 grocer?

8 CHAIRMAN HOOD: Where is that at
9 in the -- let me ask you a question. Where is
10 that at in the outline? Help me. We're going
11 to walk through this. I really think --

12 MR. KORBEL: He talks about the --
13 well, let me get the outline in front of me,
14 sir.

15 CHAIRMAN HOOD: Yes, I have it in
16 front of me. It's behind Exhibit E.

17 MR. KORBEL: He's talking about
18 doing a new state-of-the-art grocery store.
19 Now, you can tell me what's in there, but this
20 is being represented as a -- the Applicant is
21 being represented as Stop 'n' Shop.

22 CHAIRMAN HOOD: Right.

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1 MR. KORBEL: Which is part of Royal
2 Dutch Ahold which is a grocer.

3 CHAIRMAN HOOD: Here's my only
4 problem. All it says under 4D new state-of-
5 the-art grocery store. I don't see anything
6 on this outline and help me. It says Stop 'n'
7 Shop. It's other places, but for this
8 particular person.

9 MR. KORBEL: Okay.

10 CHAIRMAN HOOD: Okay. Now, let's
11 move to the next --

12 MR. KORBEL: Now, let's keep --
13 well, he said it -- yes, he said it was a
14 grocery store development. It's an anchor
15 store. It's what is driving this whole
16 development. So, I'm just asking whether or
17 not the --

18 CHAIRMAN HOOD: He didn't say that.
19 He didn't say that.

20 MR. KORBEL: He didn't.

21 CHAIRMAN HOOD: No, he did not say
22 that.

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1 MR. KORBEL: I thought Mr. Heapes
2 said that.

3 CHAIRMAN HOOD: Oh, you had me call
4 up a person who did not testify.

5 MR. KORBEL: Okay. I understand.

6 CHAIRMAN HOOD: According to the
7 outline --

8 MR. KORBEL: Now, you can see why
9 I'm such a novice at this.

10 CHAIRMAN HOOD: That's all right.
11 I'll tell you what --

12 MR. KORBEL: Let me ask this
13 question.

14 CHAIRMAN HOOD: Thank you very much
15 for coming to the table.

16 MR. COLAVOLPE: All right. You're
17 welcome.

18 VICE CHAIRMAN JEFFRIES: This is
19 not going to work.

20 CHAIRMAN HOOD: Okay.

21 MR. KORBEL: I'll direct this to
22 Mr. Heapes.

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1 CHAIRMAN HOOD: Thank you.

2 MR. KORBEL: Mr. Heapes, would you
3 mind putting up the slide that you put where,
4 you know, the first Giant -- the first store
5 that you wanted to have? There was a slide
6 there and you had it go through the different
7 iterations. Is that the first -- no, the one
8 where you show -- and it had all the numbers
9 showing all the things that were added from
10 community input.

11 No. Is that the first one? I
12 guess it is. Because I just -- that looks
13 like it. Right.

14 So, the project started out
15 basically as a grocery store. Is that
16 correct, Mr. Heapes?

17 MR. HEAPES: No.

18 MR. KORBEL: What did the project
19 include, Mr. Heapes?

20 MR. HEAPES: Our first plan for the
21 project included a grocery store, street
22 retail, parking, residential, townhouses,

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1 flats.

2 MR. KORBEL: And how many
3 residential townhouses and flats did the first
4 version of this project include?

5 MR. HEAPES: I don't remember the
6 exact number.

7 MR. KORBEL: Would 51 be a
8 reasonable --

9 MR. HEAPES: It's possible.

10 MR. KORBEL: -- measure?

11 MR. HEAPES: Um-hum.

12 MR. KORBEL: Okay. So, what I
13 would like to know is how did this go from a
14 project which was a grocery store with some
15 housing --

16 MR. HEAPES: Um-hum.

17 MR. KORBEL: Could you put up the
18 next slide.

19 MR. HEAPES: That's not the one you
20 want.

21 MR. KORBEL: Well, the one -- the
22 final -- the final version.

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1 MR. HEAPES: Now, this --

2 VICE CHAIRMAN JEFFRIES: The one
3 that's before us today?

4 MR. KORBEL: The one -- no, the --
5 no, this one right here.

6 So, how did you go from a project
7 which was basically a grocery store with some
8 housing to a project which is essentially
9 dominated by housing? Going from 51 units to
10 147 units.

11 MR. HEAPES: That's an excellent
12 question. In the course of --

13 VICE CHAIRMAN JEFFRIES: And you
14 sort of answered it once before.

15 MR. HEAPES: Yes.

16 VICE CHAIRMAN JEFFRIES: Just keep
17 it short.

18 MR. HEAPES: And it's really
19 clearly and simply.

20 VICE CHAIRMAN JEFFRIES: Okay.

21 MR. HEAPES: During the course of
22 five years, we added a floor of flex space for

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1 existing tenants. We made some commitments to
2 keep some existing tenants at current rent
3 rates. We added 30 spaces of parking. Not
4 required by us. To add the neighborhood.

5 The bottom line is we added several
6 million dollars at the request of the
7 neighborhoods and we're trying to balance to
8 the economics of what the neighbors want and a
9 feasible financial store.

10 You got an unfeasible store ten
11 years ago. It hasn't worked out very well.
12 I'm guarding the reality of this.

13 MR. KORBEL: So, Mr. Heapes, is
14 what you're saying that you needed to build
15 147 units of housing in order to subsidize the
16 construction of a grocery store?

17 MR. HEAPES: Exactly.

18 MR. KORBEL: Mr. Chairman, I would
19 think that given how important the financials
20 are to this project that it should be
21 submitted for your review and it would be nice
22 for party review. The financials for this

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1 project.

2 Because we're being -- we're being
3 told that 147 units of housing are necessary
4 in order to give the community a grocery store
5 and that's an important contribution. What
6 I'm hearing is -- from Mr. Heapes is that
7 question of --

8 CHAIRMAN HOOD: Mr. Korbel, let me
9 ask you a question.

10 MR. KORBEL: Yes.

11 CHAIRMAN HOOD: Are you asking me a
12 question? On cross are you going to ask the
13 Applicant?

14 MR. KORBEL: Mr. Heapes, would you
15 be willing to provide the financials for this
16 project so that the community and the
17 Commission can understand how a grocery store
18 Giant needs to be in effect subsidized by the
19 community in order to build a grocery store?

20 MR. HEAPES: No.

21 MR. KORBEL: Mr. Heapes --

22 CHAIRMAN HOOD: In your testimony,

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1 you can explain to us why we need that. Okay.

2 All right.

3 MR. KORBEL: I can -- I'll try to
4 explain it. Will someone write that down for
5 me?

6 Mr. Heapes, is Giant going to be
7 the single owner of this project?

8 MR. HEAPES: Giant currently today
9 owns the property. They are the single
10 applicant. That's as much as I know right
11 now.

12 MR. KORBEL: So, one can expect
13 that Giant five years from now will still be
14 the owner of this property?

15 MR. HEAPES: I have no idea.

16 VICE CHAIRMAN JEFFRIES: Are you
17 getting that --

18 MR. KORBEL: Pardon me.

19 VICE CHAIRMAN JEFFRIES: Are
20 getting that the fee-simple townhouses be
21 pulled?

22 MR. KORBEL: No.

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1 VICE CHAIRMAN JEFFRIES: Oh.

2 MR. KORBEL: No, I'm getting at the
3 retail and the grocery store and the north
4 block -- and the north block apartments.

5 MR. HEAPES: I have no way to know
6 that five years from now.

7 MR. KORBEL: Um-hum. You said that
8 the traffic management plan would -- you would
9 make it work because there is a single owner.
10 Now, you're telling me that right now there
11 is a single owner. Is that correct, Mr.
12 Heapes?

13 MR. HEAPES: Currently there is a
14 single owner. Yes.

15 MR. KORBEL: So, five years from
16 now, you can't say that there will be a single
17 owner with a traffic management plan that can
18 control the project. Is that true, Mr.
19 Heapes?

20 MR. HEAPES: That's true. It is a
21 proffer of the PUD however and these are
22 conditions that go with the real estate.

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1 MR. KORBEL: Mr. Heapes, can you
2 give us assurances that ten years from now --

3 CHAIRMAN HOOD: I don't think -- I
4 think that -- well, if Mr. Heapes can do all
5 that, I would ask him a whole lot of other
6 questions.

7 MR. KORBEL: Then, Mr. Heapes, does
8 this mean that Giant is accepting the
9 requirement that a single owner be a part of
10 the PUD?

11 MR. HEAPES: That is as far as I
12 know not part of our application.

13 MR. KORBEL: Then how do we know
14 there's going to be a single management of
15 loading?

16 MR. HEAPES: That is a condition of
17 the land approval. It runs with the land no
18 matter who owns it. Our traffic management
19 plan including a dock coordinator is a proffer
20 that is part of the deed structure of the
21 property. Just like the head of the building.

22 MR. KORBEL: Okay. I'll let the

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1 Commissioners judge that.

2 Mr. Heapes, I won't ask you
3 questions about demand because -- about
4 grocery stores because you're not a grocer.
5 So, I'll move from those questions.

6 Let me ask you this. The -- in
7 your application, you state -- you list a
8 number of benefits and amenities of the
9 project. Is that correct?

10 MR. HEAPES: Yes. Yes.

11 MR. KORBEL: And you say that among
12 those benefits and amenities is a well-located
13 and carefully designed, consumer-friendly --
14 I'm sorry. Well-located and carefully
15 designed, consumer-friendly parking garages as
16 public benefits and project amenities. Is
17 that correct, Mr. Heapes?

18 MR. HEAPES: I'll take your word
19 for it.

20 MR. KORBEL: Okay. Mr. Heapes, I
21 believe Mr. Wells said that today the
22 neighborhood enjoys 40 parking spaces for

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1 purposes of going to establishments outside
2 the PUD area. Is that correct, Mr. Heapes?

3 MR. HEAPES: Yes.

4 MR. KORBEL: And I believe that Mr.
5 Wells said that the number of parking spaces
6 will now be 30 parking spaces. Is that
7 correct, Mr. Heapes?

8 MR. HEAPES: I believe that is what
9 is in the application. Yes.

10 MR. KORBEL: Mr. Heapes, is that a
11 25 percent reduction in the amount of parking
12 that's available to the community?

13 MR. HEAPES: To the best of my
14 knowledge, doing that math, yes.

15 MR. KORBEL: Thank you, Mr. Heapes.
16 Mr. Heapes, you -- I would like to understand
17 how a parking garage which reduces the number
18 of spaces for people in the community is a
19 benefit to the people in the community.

20 MR. HEAPES: It's very simple.
21 Giant is not required to provide any parking
22 space to the adjacent properties in the

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1 community. They do it because there's a
2 parking shortage, the spaces are available now
3 and it's a gesture to make things work better
4 in their neighborhood. They are not required
5 to provide any spaces. So, that is a 300,000
6 percent increase over what they're required to
7 provide.

8 MR. KORBEL: Mr. Heapes, on many
9 occasions, Giant has talked about what a good
10 neighbor it is in the community and has made
11 the parking lot in the Giant area in effect a
12 public parking lot and the public has come to
13 rely on that. So, by reducing the number of
14 spaces that Giant has made available, isn't
15 that -- isn't that a --

16 MR. FEOLA: I'm going to object.
17 I'm going to object, Mr. Chairman.

18 MR. KORBEL: -- isn't that a loss
19 for the community?

20 MR. FEOLA: This question is way
21 out of line. Way out of line.

22 CHAIRMAN HOOD: Sounds like Giant

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1 has been a good neighbor. So, I think you
2 need to move --

3 MR. KORBEL: Sir, I don't think
4 it's out of line.

5 CHAIRMAN HOOD: I have ruled.

6 MR. KORBEL: Because they -- they
7 said --

8 CHAIRMAN HOOD: Mr. Korbel, let me
9 say this.

10 MR. KORBEL: Okay.

11 CHAIRMAN HOOD: I have ruled. Next
12 question.

13 MR. KORBEL: Can my lawyer
14 represent me on these next issues?

15 CHAIRMAN HOOD: Not at this time.

16 MR. KORBEL: Thank you.

17 CHAIRMAN HOOD: Because you all
18 already came up with an agreement.

19 MR. KORBEL: Thank you. Okay. I
20 would like to know, Mr. Heapes, if 124 of the
21 parking spaces, I'm sorry, 140 of the parking
22 spaces are restricted to either individuals in

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1 the townhouses or to the apartments, how is
2 that a public benefit?

3 MR. HEAPES: As you recall, lots of
4 conversation about what it's like to park in
5 the McLean Gardens at night. We have gone
6 back and forth on providing parking, et
7 cetera. We do believe that that's the right
8 amount of parking, more than what DDOT wanted
9 for those residences to reduce the parking
10 strain on the streets of that neighborhood at
11 night.

12 Ask someone from McLean Gardens
13 whether keeping outside cars off their streets
14 at night is a public benefit.

15 MR. KORBEL: But, Mr. Heapes, those
16 cars are not there today. It is your project
17 that will be introducing those cars there.
18 So, can you explain how introducing 140 cars
19 that have restricted parking and is not
20 available -- have spaces and is not available
21 to public, how is that -- you refer to parking
22 garages. There are two parking garages in

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1 your proposal. How is that parking garage a
2 benefit to the public?

3 MR. HEAPES: By keeping those cars
4 off the street curb parking at night.

5 MR. KORBEL: They're not on the
6 street right now, sir.

7 CHAIRMAN HOOD: Mr. Korbel, what
8 you want to do is while -- we're talking about
9 the benefiting the neighborhood --

10 MR. KORBEL: Korbel, sir.

11 CHAIRMAN HOOD: -- for parking.
12 You want to benefit us and right now, I don't
13 think -- from my standpoint you're not
14 benefiting me with your questions.

15 MR. KORBEL: Well, I think it's
16 only because I'm the last person on the
17 agenda, sir. I'll try to do the best I can.

18 CHAIRMAN HOOD: We're ready to --
19 we're ready to move on, but we want you to ask
20 your questions.

21 MR. KORBEL: Thank you very much,
22 sir. Mr. Heapes, you said in -- in the

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1 application, it says that you have reserved 25
2 percent of the linear street frontage of the
3 PUD site for restaurants. Up to 25 percent.
4 Is that correct, sir?

5 MR. HEAPES: No, we've agreed to
6 limit the use of restaurants up to 25 percent
7 of the street frontage.

8 MR. KORBEL: Mr. Heapes, the ANC in
9 its resolution suggests 20 percent. Why do
10 you not accept that suggestion?

11 MR. HEAPES: Because we use the
12 guidelines of the overlay which is 25 percent.

13 MR. KORBEL: I'll let Mr.
14 Espenschied deal with that.

15 So, Mr. Heapes, how many
16 restaurants does 375 feet translate into?

17 MR. HEAPES: Three hundred and
18 seventy-five linear feet I believe.

19 MR. KORBEL: That's correct, sir.

20 MR. HEAPES: I don't know.

21 MR. KORBEL: Um-hum. You made a
22 statement that you did not want to -- boy,

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1 this is a little tough here. Sorry, sir. You
2 made a statement that you did not want to have
3 more restaurants than are in that area today.

4 Did you mean Café Deluxe, Cactus Cantina,
5 Tuaimi's, the Sushi Sushi and Analogy? Is
6 that correct? Those five restaurants.

7 MR. HEAPES: I don't know if that's
8 what I said, but let me correct what I meant.

9 The neighborhood doesn't want anymore
10 restaurants than that and it is not our desire
11 to add significant amount of restaurant space
12 over that. That is my intention.

13 MR. KORBEL: Mr. Heapes, does -- do
14 restaurants -- the site of the restaurant, is
15 it driven by linear feet in your opinion or
16 customers? Or being more specific -- the
17 number. More specific. The number of seats
18 in the restaurant.

19 VICE CHAIRMAN JEFFRIES: Can you
20 pull back from the mike just a little bit?

21 MR. KORBEL: I'm sorry, sir. The
22 number of seats in the restaurant.

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1 MR. HEAPES: I'm not sure I
2 understand the question.

3 MR. KORBEL: My question is very
4 simple. What drives -- my question is around
5 parking demand, but parking demand is
6 determined by the number of seats that are in
7 a restaurant or can be determined by the
8 number of seats in a restaurant. Do you agree
9 with that?

10 MR. HEAPES: In terms of parking
11 demand?

12 MR. KORBEL: Yes, sir.

13 MR. HEAPES: Potentially.

14 MR. KORBEL: Do you know how many
15 seats there are in the five restaurants that
16 are outside the PUD?

17 MR. HEAPES: I did, but I don't
18 remember.

19 MR. KORBEL: Would 1100 seats
20 including inside and outside the restaurant
21 sound reasonable to you?

22 MR. HEAPES: I believe I said I

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1 did, but I don't remember.

2 VICE CHAIRMAN JEFFRIES: Did you
3 testify to any of that? Did you --

4 MR. HEAPES: No.

5 MR. KORBEL: Well, he talked about
6 wanting to make sure that there wouldn't be
7 more restaurants than the restaurants that are
8 currently in that area today. So, I would --
9 I'm asking Mr. Heapes some questions to get an
10 understanding of what kind of limitation he
11 would agree to to make sure there aren't more
12 restaurants.

13 VICE CHAIRMAN JEFFRIES: But, you
14 had a question about seats though. Seats --

15 MR. KORBEL: Yes, sir. Because
16 restaurants are tables and seats. People who
17 sit in the restaurant.

18 VICE CHAIRMAN JEFFRIES: Yes, but
19 he hasn't testified to that. He hasn't said
20 anything. I mean --

21 MR. KORBEL: Let me ask in a
22 different way, sir.

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1 VICE CHAIRMAN JEFFRIES: Let me
2 just say this to you. Listen. It's getting
3 late. Your questions are not quite helpful I
4 don't think to many of the Commissioners.

5 A lot of these questions that are
6 being asked have already been answered.

7 MR. KORBEL: Well --

8 VICE CHAIRMAN JEFFRIES: And, you
9 know, please continue, but I just -- you know,
10 I just want to make certain, you know, that
11 you're asking a question that they testified
12 to or that is, as my understanding is, from an
13 expert. Outside of that, you know, we're
14 trying to keep this in a box because this can
15 go on and on and on and you have a lot of
16 people here. It's late. We want to get back
17 to our families. So, I'm just -- if you can
18 just be somewhat respectful and just ask very
19 direct questions.

20 MR. KORBEL: Can I just be -- I
21 mean the reason I'm asking these questions,
22 sir, is that Mr. Wells has testified to the

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1 fact that the amount of parking in the
2 facility is adequate for that -- for the PUD
3 and the community and judging the amount of
4 parking depends upon things like the use of
5 the retail.

6 If all that retail was -- if there
7 were no restaurants in that retail, then the
8 amount of parking demand would drop
9 dramatically. But, if that retail is -- if
10 the square footage is -- if sizable retail is
11 being suggested by Mr. Heapes, then that could
12 add a lot of restaurants which will impact the
13 parking and the assessment of the adequacy of
14 that parking.

15 VICE CHAIRMAN JEFFRIES: If it's
16 been --

17 MR. KORBEL: So, I'm raising the
18 issue of use, sir.

19 VICE CHAIRMAN JEFFRIES: Yes. Yes.
20 Absolutely and I think I even asked the
21 question. I think everyone's trying to ask
22 the question. I think the answer that I heard

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1 here was that, you know, it's been very
2 difficult sort of managing DDOT, managing the
3 community. They're trying to get to the right
4 size of parking. I mean that's what I've
5 heard.

6 I mean you can ask this question,
7 you know, five or six, seven more times. But,
8 I don't see a different answer coming from
9 here. So, I guess I just don't know how
10 productive you're being.

11 MR. KORBEL: Well, if you'll agree
12 that the parking's not adequate to support
13 that PUD, then I can move on.

14 VICE CHAIRMAN JEFFRIES: No. No.
15 No. I don't know that as of yet, but I just
16 don't hear any answers coming out of them that
17 -- I mean that's any different than what
18 they've answered before.

19 So, I'm just telling you I just
20 don't think you're --

21 MR. KORBEL: Okay.

22 VICE CHAIRMAN JEFFRIES: -- being

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1 productive right now.

2 MR. KORBEL: Okay. I agree with
3 you, sir.

4 Let me ask. The ANC has about 11
5 resolutions. With the exception of the 20
6 percent resolution -- part of the resolution,
7 the 20 percent restriction on restaurants
8 which you don't accept, would you -- do you
9 agree with the rest of the ANC resolutions?

10 MR. HEAPES: No.

11 MR. KORBEL: Which ones do you not
12 agree with?

13 MR. HEAPES: I'd have to -- I don't
14 have that in front of me. I don't have it --

15 MR. KORBEL: Would you like me to
16 give you a copy? Would you like me to run
17 through --

18 CHAIRMAN HOOD: Actually, we have
19 it and those are some of the questions that
20 actually have already been alluded to. If you
21 have something specific on there --

22 MR. KORBEL: I'll ask a specific

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1 one. There's a resolution that says the
2 Zoning Commission shall require commercial
3 parking in north block to serve north block
4 retail and office. Do you agree with that
5 resolution, sir?

6 MR. HEAPES: We do not.

7 MR. KORBEL: Okay. Bear with me.

8 VICE CHAIRMAN JEFFRIES: Excuse me.
9 Mr. Korbel, help me out here for one moment.

10 You would probably be a lot more
11 helpful to this Commission by, you know,
12 really stating some of the issues that are of
13 concern to you about this application through
14 your testimony, you know. Because what's
15 happening is that you're going back and forth.

16 It's very disjointed and it's just hard to
17 really grasp, you know, what you're trying to
18 get at.

19 In fact, we know a lot of what
20 you're trying to get at. In many cases, we
21 feel it's been answered, but I think you have
22 a lot of things to add and I'm willing -- I

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1 want to hear it. But, I think it would be
2 better if you just had discourse. You just
3 had -- you just give testimony and tell us
4 what your conclusions are.

5 Because I just don't --

6 MR. KORBEL: I will give testimony,
7 sir, but I was trying to expand upon -- get
8 clarification from Mr. Heapes because I didn't
9 feel that he had answered adequately the
10 questions that I had in his presentation.

11 But, if -- I beg your indulgence.
12 I'm sorry that I'm dragging this hearing on so
13 long. Let me move to Mr. Wells.

14 VICE CHAIRMAN JEFFRIES: But, it's
15 just -- but, I just want to just say that it's
16 just -- the problem is -- is that if you ask a
17 question three or four times, if you're not
18 getting the kind of response, I mean we can go
19 on and on here. I mean -- and I know what
20 you're trying to drive at, but, you know,
21 they're not helping you out.

22 MR. KORBEL: Okay. Definitely not,

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1 sir.

2 CHAIRMAN HOOD: Let me say this,
3 Mr. Korbel. A lot of what you asked Mr.
4 Heapes is way beyond the scope of his
5 testimony. So, I would ask you now that
6 you're going to Mr. Wells make sure you ask
7 him what he testified to. Because Mr. Feola
8 will be up telling me he objects and he's
9 going to be exactly right.

10 MR. KORBEL: Sir, I guess I had
11 assumed that the application was part of the
12 record and if I'm going to ask Mr. Wells
13 questions that are related to the
14 transportation aspects of this project.

15 CHAIRMAN HOOD: To what he
16 testified for. What's in the record. All --

17 MR. KORBEL: What he testified.
18 What is in the record. Correct, sir.

19 CHAIRMAN HOOD: I don't want you to
20 ask Mr. Wells -- I don't want you to ask Mr.
21 Wells architectural questions.

22 MR. KORBEL: I would never ask him

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1 that.

2 CHAIRMAN HOOD: Well, that seems to
3 be -- Mr. Heapes took the brunt of all of
4 Giant. I was trying to remember was he --
5 thinking whether he was the owner.

6 MR. KORBEL: Well, that's because
7 he didn't give us the -- we didn't get a
8 witness from Giant and since this is their
9 application --

10 CHAIRMAN HOOD: Okay. But, that's
11 not -- that's not --

12 MR. KORBEL: -- we would have
13 expected that we would have had a Giant
14 witness.

15 CHAIRMAN HOOD: Mr. Korbel, just
16 because that did not happen, that doesn't mean
17 that was reason to ask him all those questions
18 and I let you do that, but from now --

19 MR. KORBEL: Thank you very much.

20 CHAIRMAN HOOD: -- this point on,
21 I'm going to cut you off.

22 MR. KORBEL: Thank you, sir.

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1 CHAIRMAN HOOD: Between myself, Mr.
2 Feola and others, we're going to cut you off
3 at the appropriate time.

4 MR. KORBEL: Okay. Mr. Wells, I'd
5 like to ask you about the adequacy --

6 COMMISSIONER MAY: Sorry. Can you
7 please push the microphone further back on the
8 table?

9 MR. KORBEL: Can I just talk real
10 loud and that will work?

11 COMMISSIONER MAY: Just push the
12 microphone back from the -- on the table and
13 because that --

14 MR. KORBEL: That's good. Thanks.

15 COMMISSIONER MAY: That's good.

16 MR. KORBEL: Mr. Wells, I'd like to
17 ask you about the adequacy of the parking in
18 the PUD. You state in the October 24th, 2008
19 PUD submission that "While the parking
20 provided in the PUD for the retail component
21 of the project is slightly less than required
22 by the Zoning Regulation, it is in excess of

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1 industry standards for retail and more
2 importantly, consistent with the ratios
3 observed at existing stores in the urban
4 District of Columbia region and thus, the PUD
5 would provide sufficient parking to support
6 the proposed residential, supermarket and
7 other commercial uses."

8 Is that a correct statement of what
9 you put in the application, sir?

10 MR. WELLS: It sounds to be.

11 MR. KORBEL: Thank you. Mr. Wells,
12 how many more commercial parking spaces are
13 required to be compliant with Zoning
14 Regulation?

15 MR. WELLS: Forty-seven.

16 MR. KORBEL: Forty-seven. Okay.
17 You stated -- you state in the parking
18 management plan that 30 spaces would be free
19 for community use. So, wouldn't that suggest
20 that the commercial parking for the PUD is 77
21 fewer than required by regulation since you
22 give 30 spaces to the community?

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1 MR. WELLS: No, and the reason the
2 answer is no is these are shared spaces. In
3 other words, there are times of day and night
4 that the PUD does not need 30 spaces. So,
5 they can share those spaces with the
6 community.

7 For example, late in the evening
8 when there are people at the -- having a soda
9 or a meal at a local restaurant, the grocery
10 store is not -- that's not their peak time for
11 business. So, they can share those spaces
12 with the community and obviously, overnight,
13 the businesses are not open all night. So,
14 they can -- Giant can share 30 spaces with the
15 community.

16 MR. KORBEL: Mr. Wells, if I go and
17 park there during the peak period in the
18 Giant, how will you know that I am parking
19 because I'm going to the community stores as
20 opposed to the Giant?

21 MR. WELLS: We could validate --
22 validate parking for example. That's what

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1 they do, for example, at 5th and K. I don't
2 know if you've been in that new Safeway.
3 That's a possibility.

4 Those kinds of details would have
5 to be worked out.

6 MR. KORBEL: Okay. Thank you, sir.

7 In assessing parking conditions in the
8 community, did you look at the parking on
9 community streets?

10 MR. WELLS: Firstly, we did not do
11 a community-wide parking study. We did a
12 study of this PUD.

13 I guess no good deed goes
14 unpunished. We can debate whether 30 or 40 is
15 the right number of spaces to serve all of
16 these restaurants in the community. The point
17 is Giant is meeting its obligations for the
18 PUD and as a gesture, neighborly -- good
19 neighborly gesture to the community is making
20 some of those spaces available when they don't
21 need them for the community.

22 MR. KORBEL: Thank you, Mr. Wells.

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1 Mr. Wells, in your May submission -- in your
2 traffic section in your May submission, you
3 identify that there are 278 parking spaces in
4 the Giant parking lot today. Is that correct?

5 In both parking lots, sir. Forty-five on the
6 north block and 233 on the south block.

7 MR. WELLS: I believe that's
8 correct.

9 MR. KORBEL: Are you familiar with
10 figure 219, parking occupancy counts for
11 Thursday, January 24th, 2008, sir?

12 MR. WELLS: That sounds like one of
13 our figures.

14 MR. KORBEL: That is one of your
15 charts.

16 MR. WELLS: Okay.

17 MR. KORBEL: And in that chart, it
18 shows parking lot count every 15 minutes I
19 believe starting at 7:00 in the morning until
20 7:00 at night. Is that correct, sir?

21 MR. WELLS: Generally, we report by
22 either hour or half hour intervals, but --

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1 MR. KORBEL: And do you recall when
2 the peak of that parking occurs?

3 MR. WELLS: If you look at a
4 parking accumulation curve --

5 MR. KORBEL: Maybe I --

6 CHAIRMAN HOOD: I tell you what.
7 They have a copy. If you could take your
8 seat, Mr. Korbelt and tell them what page that
9 you're looking at and ask the question from
10 the page.

11 MR. KORBEL: I don't know the page.
12 It's figure 219 -- 219 in the traffic study.

13 VICE CHAIRMAN JEFFRIES: How many
14 more questions do you have left?

15 MR. KORBEL: I have quite a few
16 more questions.

17 VICE CHAIRMAN JEFFRIES: What's
18 quite a few?

19 MR. KORBEL: I'll try and make them
20 faster. I have --

21 VICE CHAIRMAN JEFFRIES: It's like
22 10:45. Looks like he's counting.

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1 MR. KORBEL: I have about 11 more
2 questions.

3 CHAIRMAN HOOD: Okay. What we'll
4 do -- let me just say this at this point.
5 Hold your question for a second. We will not
6 get to the Office of Planning unfortunately
7 night. We're going to start from the Office
8 of Planning. I was hoping we could get
9 through the Office of Planning tonight and
10 cross examination, but obviously, that's not
11 going to happen.

12 So, what we're going to do is begin
13 on April the 6th with the Office of Planning
14 cross examination. But, let me just ask. For
15 those who -- April the 6th is the date. I'm
16 hoping everyone else can make it. If you
17 cannot make it, you can submit testimony,
18 what's your position. If it's already here,
19 you don't have to submit anymore, but if
20 you're not able to make it back April the 6th
21 for those individuals wishing to testify, you
22 can submit something in writing. We like one

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1 page in writing to the record.

2 Okay, Mr. Korbelt.

3 MR. KORBEL: Thank you. Thank you,
4 Mr. Chairman.

5 Mr. Heapes, do you have table 219,
6 parking occupancy count for --

7 CHAIRMAN HOOD: Is it Mr. Heapes?
8 We're back to Mr. Heapes?

9 MR. KORBEL: No.

10 CHAIRMAN HOOD: Okay. Mr. Wells.

11 MR. KORBEL: I'm sorry. Yes.

12 CHAIRMAN HOOD: Mr. Heapes, you can
13 relax. You've been interrogated quite a bit.
14 Okay.

15 MR. WELLS: I do have figure 219
16 and you have a question I think.

17 MR. KORBEL: I do. Yes. Can you
18 tell me what the line called practical
19 capacity says?

20 MR. WELLS: Yes, practical capacity
21 needs we want some vacant spaces, generally 5
22 percent or so for the normal turnover of

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1 parking. That's what that means.

2 MR. KORBEL: And what is the
3 practical -- what is the practical capacity of
4 that lot?

5 MR. WELLS: Two fifty-five.

6 MR. KORBEL: And what are the
7 numbers of cars that are in that lot at its
8 peak?

9 MR. WELLS: There are two peaks on
10 this curve. There's a midday peak of 204
11 which is pretty much the Giant peak of you
12 will. That's with a capital G not a small g
13 and then in the evening around 7:00, there's a
14 demand for 259 spaces. That shows very
15 clearly the impact of the local restaurants.

16 If you look at where those cars are
17 parked in the lot, you'll see that the spaces
18 that are reserved for three-hour parking for
19 the local businesses, they're all full. Even
20 while there are vacant spaces -- at different
21 times of day when there are vacant spaces that
22 are more convenient for a Giant customer,

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1 those spaces that are reserved for the
2 community which are located at the south end
3 of the, I think I got the direction right,
4 south end of the lot, they're filled.

5 This is the impact of the use of this
6 lot as a community parking facility.

7 MR. KORBEL: So, let me understand.

8 At 7:00 p.m. at night when almost half of the
9 retail in the PUD area is either vacant or
10 closed and there is an under-performing Giant
11 grocery store, the lot is beyond it's
12 practical capacity. Is that correct?

13 MR. WELLS: There are a lot of
14 people from the community that are parked
15 here. That's correct.

16 MR. KORBEL: Would you hazard a
17 guess that there are more than 40 cars parked
18 from the community in that lot at that hour
19 that are not at --

20 MR. WELLS: Oh, I never --

21 MR. KORBEL: -- Giant store?

22 MR. WELLS: I never hazard guesses.

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1 I wouldn't guess.

2 CHAIRMAN HOOD: That's an answer.
3 That's an answer. He's not guessing.

4 VICE CHAIRMAN JEFFRIES: And that's
5 how you're not being productive. Okay.

6 MR. KORBEL: Well, I would submit
7 that the Commission -- that the Zoning
8 Commission in assessing the adequacy of
9 parking for this PUD needs to consider the
10 impact on the community from -- that has taken
11 advantage of so much parking and not having
12 that parking again.

13 Since you're not answering, I can
14 get through this a little faster.

15 In assessing the adequacy of the
16 commercial, Mr. Wells --

17 COMMISSIONER KEATING: I just want
18 to understand where you were going with that.

19 Are you suggesting that the parking that's
20 available to the community today, the 258 or
21 so spaces, that Giant should continue to make
22 those spaces available as part of this

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1 project? Is that what you're suggesting?

2 MR. KORBEL: I think what I'm --
3 well, what I'm suggesting, sir, is that the
4 Giant development is not a green field
5 development.

6 COMMISSIONER KEATING: Okay.

7 MR. KORBEL: The Giant development
8 is taking place in a community where there is
9 already congested parking on community streets
10 and that is why the community parks in that
11 parking lot.

12 When this development goes in and
13 Giant generously gives 30 parking spaces,
14 there are a couple of hundred cars that are
15 going to have to look for spaces on the street
16 and I'll reserve my questions on that for
17 DDOT.

18 COMMISSIONER KEATING: Okay.

19 MR. KORBEL: Did I make myself
20 clear on that, sir?

21 COMMISSIONER KEATING: Yes, you
22 did. I just --

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1 VICE CHAIRMAN JEFFRIES: Much
2 better now. See that's what I mean. See you
3 told us --

4 COMMISSIONER KEATING: Now, I
5 understand where you're coming from with the
6 question.

7 MR. KORBEL: Thank you. Thank you.

8 COMMISSIONER KEATING: Okay.

9 MR. KORBEL: Okay. Mr. Wells, you
10 said that basically you did not estimate the
11 amount of parking to satisfy the whole
12 community. You just focused on the PUD
13 parking and the retail, residential
14 requirements of that site. Is that correct?

15 MR. WELLS: I conducted a study of
16 the PUD. That's correct.

17 MR. KORBEL: In setting the
18 adequacy of commercial parking, you used a
19 combination of your own sample of grocery
20 stores and industry standards for general
21 retail. Correct?

22 MR. WELLS: Yes, we did provide

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1 data.

2 MR. KORBEL: Now, from your sample
3 of five grocery stores, you showed that the
4 peak demand was 2.78. Is that correct?

5 MR. WELLS: That sounds about --

6 MR. KORBEL: That's space
7 requirements per thousand square feet. Is
8 2.78 and what are the -- what's the space of
9 the PUD for commercial in terms of spaces per
10 thousand square feet? Would you like me to
11 tell you the --

12 CHAIRMAN HOOD: No. No. No, I
13 don't --

14 MR. WELLS: It is getting late.
15 The retail analysis said there's 136,484
16 square feet of new retail space which includes
17 the supermarket and the new retail space on
18 the north parcel and the south parcel.

19 MR. KORBEL: What does that equate
20 to in parking spaces per thousand square feet?

21 MR. WELLS: I believe 2.84.

22 MR. KORBEL: So, your finding was

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1 that in your sample of parking spaces per
2 thousand square feet for a sample of five
3 grocery stores, stand-alone grocery stores,
4 was the same as the parking per thousand
5 square feet for all commercial in the PUD. Is
6 that correct? Was essentially the same.

7 MR. WELLS: Right and that's
8 correct.

9 MR. KORBEL: Now, in terms of
10 parking per square feet, do you think that
11 parking for a shopping center in parking per
12 square feet at peak demand would be higher or
13 lower than for a grocery store?

14 MR. WELLS: For -- ITE reports for
15 a shopping center -- shopping center meaning a
16 collection of stores, restaurants, maybe a
17 small amount of office space and --

18 VICE CHAIRMAN JEFFRIES: With an
19 anchor or without an anchor? Is that a --

20 MR. WELLS: They were not specific.
21 Most of them have anchors frankly. ITE
22 reports for general retail uses a rate of

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1 2.65. I believe that's Monday through
2 Thursday and 2.97 for Saturday.

3 MR. KORBEL: And what does it
4 report for urban grocery stores?

5 MR. WELLS: 2.27.

6 MR. KORBEL: So, what your data
7 shows for your sample of five grocery stores
8 in our region is that grocery stores in our
9 region --

10 CHAIRMAN HOOD: Are you going --

11 MR. KORBEL: Yes, I'm going --

12 CHAIRMAN HOOD: You're going to a
13 question.

14 MR. KORBEL: I am, but I just want
15 to be clear. You're saying that grocery
16 stores in our region generate more parking
17 requirements per square foot at a peak than
18 the average in the ITE work. Is that correct?

19 MR. WELLS: That's what those data
20 show.

21 CHAIRMAN HOOD: Thank you. Okay.
22 Next question.

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1 MR. KORBEL: So, is it reasonable
2 to expect that a grocery store -- is a grocery
3 store considered an anchor in a shopping
4 center?

5 MR. WELLS: Yes, it can be.

6 MR. KORBEL: So, why didn't you
7 estimate the parking demand based upon a
8 shopping center which would generate more
9 parking demand per thousand square feet than
10 grocery stores?

11 MR. WELLS: The shopping center
12 rate is 2.65 to 2.97. What we're proposing
13 here is 2.84. The 2.65 to 2.97 is a ITE or
14 Institute of Transportation Engineer data
15 point and it typically represents a free-
16 standing shopping center in the suburbs.

17 So, we're in that range with the
18 2.84 plus we're in a more urban environment
19 with more bus transit and most possibility of
20 walking.

21 VICE CHAIRMAN JEFFRIES: I thought
22 he was asking you questions about more urban

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1 grocery stores in the area. Did you say five?

2 MR. KORBEL: Yes, sir.

3 VICE CHAIRMAN JEFFRIES: Yes, he
4 wasn't asking about suburban stand alone.

5 MR. WELLS: Oh, I thought he was
6 asking me to compare --

7 MR. KORBEL: No.

8 MR. WELLS: -- 2.27 with a -- why
9 didn't I include the grocery store in with the
10 other retail uses and compute the combined
11 parking demand for those uses as a shopping
12 center.

13 If I had done that, it would be in
14 the 2.65 to 2.97 --

15 MR. KORBEL: Well, I don't agree
16 with that conclusion. The -- I just want to
17 make it very clear.

18 CHAIRMAN HOOD: No, I want to make
19 it clear. I want to hear a question. All I
20 want you to do is ask questions. If you don't
21 agree, that's fine. You can do that in your
22 testimony. Tonight --

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1 MR. KORBEL: Okay.

2 CHAIRMAN HOOD: -- at this point,
3 all I want is questions.

4 MR. KORBEL: Well, let me just ask
5 this. For grocery stores in the sample, your
6 sample of grocery stores which are comparable
7 to the grocery store that you believe will be
8 going in at this site, the grocery store
9 average is 22½ percent higher than the
10 national average for urban grocery stores. Is
11 that correct?

12 MR. WELLS: I didn't calculate
13 that.

14 MR. KORBEL: Well, it's 2.78 versus
15 2.27. So, it's higher. Would you agree that
16 it's higher?

17 MR. WELLS: I agree that 2.78 is
18 higher than 2.27.

19 MR. KORBEL: So, is it reasonable -
20 - would it be reasonable to assume that a
21 shopping center in our area would be higher
22 than a national average for shopping centers?

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1 MR. WELLS: Not necessarily.

2 MR. KORBEL: Not necessarily.

3 MR. WELLS: Correct.

4 MR. KORBEL: Well, let me ask you
5 this. In your estimate, how many restaurants
6 did you include to calculate the parking
7 requirements per thousand square feet?

8 MR. WELLS: We were not -- we did
9 not dis-aggregate the retail into clothing
10 store, restaurants, coffee shops, florists,
11 hair and nails, take-out pizza. We just
12 didn't do that. Because typically, a shopping
13 center has some restaurants and as you've
14 heard in or what the Commission has heard in
15 the testimony, this is not going to be a
16 restaurant dominated retail center.

17 So, we thought the shopping center
18 rates would pertain to this particular case.

19 MR. KORBEL: Do you think that
20 having the same number of restaurants in the
21 PUD that are in the immediate area is
22 consistent with the data on commercial

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1 shopping centers? You know, the data on which
2 you based your analysis.

3 MR. WELLS: I don't even understand
4 that question.

5 MR. KORBEL: My question is is 25
6 percent of the linear footage of that -- of
7 the PUD consistent with a national average
8 estimate of parking spaces per thousand square
9 feet?

10 MR. WELLS: I don't know that there
11 will be 25 percent restaurants here and
12 moreover --

13 MR. KORBEL: Okay. I think --

14 MR. WELLS: -- the 25 percent
15 figure applies to linear footage not
16 necessarily square footage.

17 MR. KORBEL: That's true. Do you
18 think that in a restaurant -- do you think --

19 CHAIRMAN HOOD: I think he answered
20 -- Mr. Korbel, hold on for a second.

21 Commissioner, is this line of
22 questioning beneficial to you guys or I just

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1 need to know if this line of questioning is
2 beneficial to any of you?

3 VICE CHAIRMAN JEFFRIES: Yes, I
4 mean clearly we can't stop him from asking
5 questions, but --

6 CHAIRMAN HOOD: No, we can't. I
7 want to put him in the right track. Because
8 right now, he's not helping himself and he's
9 not helping us.

10 VICE CHAIRMAN JEFFRIES: I have to
11 tell you in the five years I've been on this
12 Commission, I've only seen a few people be
13 very effective with this cross. It just not
14 as great a vehicle as you think it is.

15 You know, I'm just telling you that
16 you'll be a lot more effective by giving
17 testimony that's uninterrupted and we can hear
18 all the points you're trying to make. Because
19 it's just not -- you know, they can answer a
20 question in such a way that you don't --
21 you're not going to get to your point. So.

22 CHAIRMAN HOOD: Mr. Korb, what I

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1 tried to do is to help you out. You just
2 heard what we said. So, you can continue.

3 MR. KORBEL: Okay. I will take
4 your guidance and really get through this much
5 faster than I had planned.

6 You have an exhibit in your
7 application of a transportation and parking
8 management plan and you list some -- through
9 J, A through J, whatever number that is
10 elements of the parking management plan. It
11 includes things like a \$20 SmarTrip card
12 initially. It turns out to be \$2400 to the
13 residents of the apartment house. Information
14 on Metrobus. Assured parking in the north
15 block. Those are the kinds of things that are
16 there. Also, it includes the 30 free parking
17 spaces for the community.

18 Do you believe that that's a
19 management plan?

20 MR. WELLS: Yes.

21 MR. KORBEL: Well, let me ask you
22 this. How will you make the 30 free parking

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1 spaces available?

2 COMMISSIONER KEATING: I'm sorry.
3 Didn't he answer that earlier when he said
4 that they could use validation as a
5 methodology for making the spaces available?
6 I'm sorry. Did you not say that earlier?

7 MR. KORBEL: Thank you, Mr.
8 Keating.

9 MR. O'SULLIVAN: Excuse me. I
10 think he said it with respect to --

11 CHAIRMAN HOOD: Oh, we're not
12 hearing -- you're off the mike.

13 MR. KORBEL: How would you make --
14 he also said that they'll make overnight
15 parking -- you also said you would make
16 overnight parking available to 30 -- I think
17 30 people in the community. Is that correct?

18 MR. WELLS: The same 30 spaces.

19 MR. KORBEL: Same 30 spaces and
20 will you use the same validation method for
21 that?

22 MR. WELLS: Potentially.

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1 CHAIRMAN HOOD: Mr. Korbel, didn't
2 you just ask that question about ten minutes
3 ago? Come on now. Work with us now.

4 MR. KORBEL: You know --

5 CHAIRMAN HOOD: It's after 11:00.

6 MR. KORBEL: Well, it's only
7 because I'm at the end of this testimony that
8 I'm after 11:00.

9 CHAIRMAN HOOD: No, it's not. Sir,
10 we go to 12:00 -- ten minutes to 12:00 last
11 Thursday.

12 MR. KORBEL: Okay. And I'm almost
13 finished.

14 CHAIRMAN HOOD: But, what we wanted
15 to do was to hear Office of Planning and give
16 the parties a chance to -- at least, that's
17 what I wanted to do tonight, but obviously, we
18 didn't get there because -- I will tell you.
19 The other parties were amenable, but I don't
20 know where you're going here, Mr. Korbel,
21 because it's not beneficial.

22 MR. KORBEL: Well, I -- the reason

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1 I'm spending so much time on this is the devil
2 is in the detail in terms of the numbers here
3 and when we -- we're told by the Applicant --

4 CHAIRMAN HOOD: When you testify --
5 when you testify as my colleagues already said
6 so eloquently which is better than I can say
7 it, we'll get it front you. But, tonight
8 going back and forth and asking -- you just
9 asked one of those questions I know ten
10 minutes ago because I heard it.

11 MR. KORBEL: Okay. In the interest
12 of -- I do have a couple of more questions,
13 but I can see that I'm outwearing welcome.
14 So, I will --

15 CHAIRMAN HOOD: That's not the
16 case. I want you to ask your questions, but
17 questions that are germane first of all to
18 what's in the record and what he testified.
19 Because we're prepared to go to 11:30 either
20 way.

21 VICE CHAIRMAN JEFFRIES: But, just
22 try not to ask questions that have already

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1 been answered. I mean at least just do that
2 bit of it. I mean that would be very helpful.

3 If you could just try to, you know, zero in
4 on things that have not been answered.

5 MR. KORBEL: Okay. The overall
6 project includes 535 parking spaces for
7 residential and retail. Correct?

8 MR. WELLS: Correct.

9 MR. KORBEL: And as you said,
10 that's 23 more than Zoning requires. Correct?

11 MR. WELLS: Correct.

12 CHAIRMAN HOOD: That's a line of
13 questioning that we just did a few minutes
14 ago.

15 MR. KORBEL: Okay. Okay.
16 Residential parking for -- I'd like to know
17 how you're going to control access for the 124
18 spaces in the north block.

19 MR. WELLS: Can you be more
20 specific?

21 MR. KORBEL: How will you control
22 access for the 124 parking spaces in the north

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1 block?

2 MR. WELLS: We don't -- that detail
3 has not been worked out.

4 MR. KORBEL: So, I'm going to guess
5 the detail has not been worked out on access
6 by any of the different users of the --

7 MR. WELLS: Correct.

8 MR. KORBEL: Would you agree that
9 that kind of information is the substance of a
10 parking management plan?

11 MR. WELLS: Yes.

12 MR. KORBEL: Okay. Thank you. All
13 right. One more question. By limiting the
14 various access, are you limiting the full
15 utilization of the 535 spaces? For example,
16 if you were to limit the north block parking
17 strictly to residences and they weren't using
18 all those spaces, wouldn't that under-utilize
19 the 535 spaces?

20 MR. WELLS: We go through this with
21 every project whether to share residential
22 parking or not. A resident wants their

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1 parking space 24/7/365. So, it's
2 theoretically possible to share, but we're not
3 there yet to know much will or will not be
4 shared.

5 MR. KORBEL: Okay. Thank you. One
6 last question. What plans will the Applicant
7 have for the use of the parking lot during
8 construction?

9 MR. WELLS: Which parking lot?

10 MR. KORBEL: Either parking lot.

11 MR. WELLS: Either parking lot.

12 MR. HEAPES: This is not my
13 question, but in honor of my --

14 COMMISSIONER KEATING: Are you
15 talking about the existing parking lot that is
16 there now?

17 MR. KORBEL: What plans do they
18 have -- what plans do they have for use of the
19 parking lots during construction?

20 VICE CHAIRMAN JEFFRIES: Did you
21 talk about any of that?

22 MR. HEAPES: I didn't testify to

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1 phasing, constructibility or any of that. So,
2 I don't know what he's referring to.

3 VICE CHAIRMAN JEFFRIES: Is it in
4 the --

5 MR. KORBEL: I'll withdraw the
6 question then. In the interest of time, I
7 will stop.

8 VICE CHAIRMAN JEFFRIES: But, Mr.
9 Korbel, I really look forward to your
10 testimony.

11 CHAIRMAN HOOD: Mr. Korbel --

12 MR. KORBEL: Thank you, Mr.
13 Jeffries.

14 CHAIRMAN HOOD: -- sometimes
15 interest is gone. So, but we want to make
16 sure now you ask your questions. Not trying
17 to limit you because that's not what we're
18 here to do. We're trying to give you an
19 opportunity to ask your questions, but we want
20 you to ask them in a manner that is helpful
21 and not necessarily -- if Mr. Wells or Mr.
22 Heapes gives you an answer, you don't have to

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1 come back with what you believe. That when
2 you do it at testimony time. That's more
3 beneficial to us.

4 MR. KORBEL: Well, I was trying to
5 be helpful, sir, and I have about 15 more
6 questions to ask. No.

7 CHAIRMAN HOOD: Go right ahead. Go
8 right ahead.

9 MR. KORBEL: I'm finished.

10 CHAIRMAN HOOD: Okay.

11 MR. KORBEL: Thank you very much,
12 sir.

13 CHAIRMAN HOOD: Okay. Let me first
14 of all apologize. We did not get as far as I
15 would have liked to tonight. So, it looks
16 like if it goes like this we will have a third
17 hearing. So, stay tuned for April the 6th and
18 we'll see. April the 6th at 6:30.

19 I want to thank everyone for their
20 participation tonight.

21 Ms. Schellin, is everything in
22 order?

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MS. SCHELLIN: Yes, sir.

CHAIRMAN HOOD: Okay. This will be
continued April the 6th. Thanks.

(Whereupon, the hearing was
concluded at 11:06 p.m.)

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