Robert E. Mittendorff
P.O. Box 70759
Washington, Dc 20024-0759

February 14, 2003

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D.C. OFFICE OF ZONING
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Director, Office of Zoning
and
D.C. Zoning Commission
Suite 210
441 4th Street, NW
Washington, Dc 20001

Re: **PUD Application of Kaempfer Company, Forest City Enterprises and Bresler and Reiner - PUD Zoning Change Hearing**
Case Number 02-38

Dear Sirs:

As the Second Vice President of the Southwest Neighborhood Assembly, Inc. ("SWNA") and the Chairman of the SWNA Ad Hoc Committee for the Waterside Mall Survey, I submitted two letters to you last evening for inclusion in the record of the above matter. Both of these letters and the ten copies of each with exhibits were finished yesterday just ahead of the 6:30 PM deadline in time for the hearing.

However, this morning I re-read both of them again and found errors in one that I would like to correct at this time if I may.

The February 12, 2003 letter explaining the background of the SWNA Board Survey is okay.

However, the **February 13, 2003 letter** contains errors which I wish to correct at this time, including typos (missing words or misspelled words not discovered by "Spell check" on page 3, two incorrect numbers or figures in the discussion of the results of the count of the Survey and one misspelling on page 5, and one inadvertent omission of someone I wish to thank for his efforts, Mr. Dale McIver, the editor of the Southwester, on page 6. Although almost all of the above changes could be readily and easily corrected during my testimony, the omission of Mr. McIver's name is the most important and the most embarrassing

Enclosed please find eleven sets of **new** pages 3, 5 and 6 to be placed in the **February 13, 2003** letter I filed with the Zoning Commission last evening.

Please note that these new pages are for my letter dated on the **13th** and not for the February 12, 2003 letter. Thank you for substituting these new pages in the original letter and each of the ten copies I provided your office last evening before they are distributed to the recipients.

With best regards,

Robert E. Mittendorff

Enclosures

ZONING COMMISSION
District of Columbia
Case 02-38
Exhibit 71

ZONING COMMISSION
District of Columbia
CASE NO.02-38
EXHIBIT NO.71

THE SURVEY RESULTS

Altogether 498 of the 600 responses that were received on time answered the questions on reuniting 4th Street between M Street and I (Eye) Street, SW and on the building heights proposed by the developers and were included in the final Survey results. A group of 102 "non-responsive" survey forms and late survey responses, received in the mail more than one week after December 31, 2002, were not included in the final results. The final results showed a substantial split on these questions.

Question # 1 - "Public Street" or "Pedestrian Walkway"

In answer to Question #1, a pedestrian walkway ("walkway"), rather than a public street for automobiles (a "roadway" or "public street") was favored **50%** to **37%**. 13% of the respondents either did not respond to either of the two alterative questions in Question #1, or were counted as "undecided" because they voted "yes" for both the "public street" and the "walkway" or they voted "no" for both the "public street" and the "walkway."

All of the percentages on the above chart of the final Survey results provide percentages based on the total number of 498 responses included in the final Survey results. Just as in a normal election, where a third party candidate might receive votes, the "undecided's" or "no response's "are counted and allocated a proportional part of 100% of the responses. Thus, in answer to Question #1, 250 respondents or 50% of the total 498 respondents selected "yes" for the "walkway" alternative, and 183 respondents or 37% selected "yes" for the "public street" which is proposed in the PUD application.

One might argue that - of all the persons who actually responded with a selection to Question #1, 58% voted for the "walkway" and 42% voted for the "public street;" however, the final survey results are not shown in that manner on the above chart since the "undecided" or "no response" selections of respondents to individual questions gives a fairer and more accurate reflection of each respondent's individual opinions or beliefs (or lack of an opinion or belief) to the issues raised in the various questions. In other cases, a question may just not have seemed important to a person to answer - so they didn't give a response. The above chart merely gives the facts about each response and shows percentages based on the total number of respondents to the entire survey, 498 responses, and does not break down each question into an "either / or" situation with different numbers of respondents to each question.

In answer to Question # 7, which asked whether the current mall merchants should have the opportunity to be invited to negotiate for leases and obtain space in the Waterfront development, **81 %** of the respondents (401 of 498) strongly supported the current merchants and indicated they would like to see the current merchants have the right to return to the new Waterfront retail space. Only 64 respondents, or **13%**, objected to the return of the current merchants.

In answer to Question # 8, which asked whether they would suffer a hardship once the mall is demolished and many of the stores and services of the mall are eliminated (except for the Safeway, the CVS and the Bank of America office), a majority of residents (56%) or (278 of 498) answered "yes" and stated that they would suffer a hardship once the mall is demolished and the two year period of reconstruction occurs.

Question # 9 - What Types of Businesses Are Preferred at Waterfront

In answer to Question # 9, which asked what types of stores, restaurants and services would be preferred at the new Waterfront development, over 423 of the 498 respondents provided their suggestions. In many cases, respondents to the Survey did not just mention one or two stores or restaurants or types of stores, they mentioned six or eight and sometimes as many as ten different choices they preferred.

As stated in more detail in the February ***Southwester*** article on the Survey results, attached hereto as an exhibit, every type of restaurant and every chain restaurant, from coffee shops to the finest restaurants were mentioned. In addition, respondents mentioned additional choices for groceries that went beyond the existing Safeway, including gourmet grocers and delicatessens, and other supermarkets such as Whole Foods (Fresh Fields) and Giant.

Retail stores on the suggested lists included the ever popular "hardware store" and "book store" and types of stores and services which describe what is available at the mall currently, e.g. a video rental store, a dry cleaner, a liquor store, a convenience store, a clothing store, and more including even large department stores, such as Target, Walmart and K-Mart. In addition, services that are not now available were also listed, including, a shoe repair shop, a locksmith, copying services (including "Kinko's"), a child care center and health care services (a doctor, dentist and walk-in health care center).

Question # 10 - The PUD Project and Its Effect on the Quality of Life In Southwest

Question # 10 asked whether the PUD project as currently planned, which includes construction of a public street for automobiles on 4th Street, SW and the construction of 112 foot high, eleven [ten] story high buildings at the four corners of the site - will improve the quality of life

in Southwest. Altogether, the survey results show that the Southwest residents are unconvinced that the current PUD plan will improve the quality of life in the Southwest neighborhood.

The PUD plans of the developers were supported by the "Yes" votes of only **36%** or 181 of the 498 respondents, and **49%** of the respondents (246 of 498) selected "No" as their answer to indicate that they did not agree that the quality of life in Southwest will improve if the project as currently planned is built. 71 respondents, **14%** of the total of 498, abstained or did not answer Question # 10. Of these, five circled both "Yes" and "No" to indicate their indecision.

Comments made by several of the respondents to Question # 10 or to the Survey in general may be helpful in describing the apparent angst and strong feelings which members of the Southwest community have or are expressing in giving their opinions on the "road/no road" and the "quality of life" issues, because it is clear that over 104 respondents, fully **20%** of the total number of 498 respondents in the final Survey results "switched" their apparent support vis-a-vis Questions ## 1 and 10, or abstained on Question # 10. Of these, 54 respondents switched their support and 50 (**10%** of the total respondents) abstained. The comments of several respondents to Question # 10 are provided as an exhibit to this letter to illustrate the feelings of some of these respondents.

ADDITIONAL EXHIBIT - COPIES OF THE 498 RESPONSES

A copy of the original February issue of the ***Southwester*** which contained the Survey results and a discussion of the SWNA Survey results on pages 1 and 7 is attached as an exhibit hereto. A separate exhibit, one copy of the three-ring binder with the complete Survey results and a redacted copy of all 498 responses included in the final Survey results is also submitted to the Zoning Commission with this letter as an exhibit hereto. Additional copies of this binder can be made available to the Commission members and to parties to this PUD zoning hearing upon request.

The SWNA Survey was a worthwhile effort that took a lot of time and effort on the part of a number of persons on the SWNA Board and in the Southwest community. I would like to take this opportunity to thank all the members of the SWNA Board and the members of the SWNA Ad hoc Committee for the Waterside Mall Survey, including Ellen Winship, Meg Brinckman, Camille Cunningham, Jean Macdonald, Gloria M. Dillon, Betty Clark and Perry Klein who worked to draft the Survey language. I would also like to give special thanks to both Naomi Monk, the Chairman of the SWNA Waterside Mall/ Southwest Waterfront Task Force and Dale McIver, the editor of the ***Southwester***, without whose financial support and special help and efforts the Survey and publication of the Survey results in a timely manner before this hearing would have not been possible.