

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----+
IN THE MATTER OF: :
: :
WATERFRONT ASSOCIATES, LLC : Case No.
and : 02-38A
RLA REVITALIZATION :
CORPORATION :
-----+

Thursday,
June 14, 2007

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No.
02-38A by the District of Columbia Zoning
Commission convened at 4:30 p.m. in the
Office of Zoning Hearing Room at 441 4th
Street, N.W., Washington, D.C., 20001,
Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Vice-Chairperson
JOHN PARSONS Commissioner (NPS)
MICHAEL G. TURNBULL Commissioner (AOC)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

MATT JESICK

The transcript constitutes the minutes from the Public Hearing held on June 14, 2007.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

I-N-D-E-X

INTRODUCTION:

Anthony J. Hood..... 4

REPORT OF ANC 8-A:

Commissioner Max Skolnik..... 4

OTHER GOVERNMENT AGENCIES:

Henry Baker (Carrollsbury Square)..... 19

Paul Greenburg (Tiber Island)..... 37

ORGANIZATIONS AND PERSONS IN SUPPORT:

J. Graham Brock..... 63

Sara Fritz..... 68

Susanne Morris..... 70

Robert Morris..... 71

Richard Westbrook (Committee of 100)..... 79

Ron McBee (ANC-6D03)..... 118

ORGANIZATIONS AND PERSONS IN OPPOSITION:

Gene Solon..... 92

Gary Waxman..... 96

Nancy Masterson..... 99

W. Mason Preddy..... 116

APPLICANT'S CLOSING ARGUMENTS:

Whayne Quin..... 123

Shalom baranes..... 124

Whayne Quin..... 140

HEARING ADJOURNED:

Anthony J. Hood..... 144

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

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

2 4:33 p.m.

3 VICE-CHAIRPERSON HOOD: Good
4 afternoon, ladies and gentlemen. We're going
5 to reconvene Zoning Commission Case No. 02-
6 38A. And what I will do is incorporate the
7 opening statement again for the record.
8 Joining me are Commissioners John Parsons
9 and Mike Turnbull. We're going to do our
10 best. I understand that there's an event
11 this evening, but we'll do our best to try to
12 help you accommodate that event.

13 So I'm going to ask the ANC -- is
14 Commissioner -- oh, there he is, Commissioner
15 Skolnik, if you can take the table, we'll now
16 have the ANC report. After which, I'm going
17 to ask Carrollsburg Square, in support, to be
18 ready and also Tiber Island should be ready
19 to present their case. Each will have 15
20 minutes to do their reports. You may begin,
21 Commissioner.

22 MR. SKOLNIK: Good afternoon, Mr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Chair and the members of the Zoning
2 Commission. My name is Max Skolnik, the ANC
3 Commissioner for SMD-6D-01, representing the
4 neighborhood in which half of the Waterfront
5 Mall project is located. I am testifying on
6 behalf of the Advisory Neighborhood
7 Commission 6D, and I urge you to give great
8 weight to our concerns.

9 On May 14, 2007, at the monthly
10 meeting of ANC-6D, at which a quorum was
11 present and all seven members were in
12 attendance, we voted six to one to support
13 the Waterfront Associates and RLARC's planned
14 unit development application. In the
15 previous vote, ANC-6D voted to oppose the
16 application in a five to one vote. We
17 believe that this change in support
18 demonstrates the great progress that has been
19 made among ANC-6D, the Applicant, and the
20 Southwest community.

21 In exchange for ANC support, the
22 Applicant has agreed to the following

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 community benefits. One, the grocery store;
2 the Applicant has included and reserves space
3 for a new 55,000 square foot grocery store
4 within the first phase of the project. The
5 Applicant has been working closely with the
6 existing grocery store on the PUD site to
7 negotiate its lease, currently set to expire
8 in December of 2020, and relocate the
9 existing grocery store to the proposed new
10 store location on the east side of the
11 project. Two, retail; the
12 Applicants have agreed to a guarantee of a
13 minimum of 110,000 square feet and a maximum
14 of 160,000 square feet of retail space. To
15 meet urgent neighborhood needs, the Applicant
16 has also committed to have retail outlets
17 such as "restaurants, coffee shops, flower
18 shops, video stores, grocery stores, drug
19 stores, banks, electronic stores, bakeries,
20 dry cleaners, and the like." This is
21 critical to promoting the idea of a vibrant
22 town center. We also appreciate the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 commitment to identify local and small
2 businesses as potential tenants.

3 Three, housing; the Applicants
4 have committed to a minimum of 800,000 square
5 feet of residential development, of which
6 160,000 square feet in the initial phase will
7 be dedicated to affordable housing.

8 Four, public safety and the impact
9 on adjacent buildings; the Applicant has put
10 forward a comprehensive security and
11 construction mitigation plan. And this is
12 definitely still an ongoing dialogue.

13 Five, community office and meeting
14 space; the Applicant has committed to
15 providing 1,000 square feet of office and
16 meeting space for ANC-6D and the Southwest
17 Neighborhood Assembly.

18 Six, lead status; the Applicant
19 has proposed lead silver certification for
20 the Fourth Street Office Buildings.

21 And finally, seven, parking and
22 traffic issues; the Applicant has committed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to an ongoing dialogue on parking and traffic
2 issues arising from the substantial increase
3 in the residential and commercial populations
4 in this project.

5 Despite this great project, ANC-6D
6 believes that there are still challenges that
7 need to be addressed. And these include the
8 reopening of Fourth Street. The proposed
9 opening of Fourth Street involves a further
10 challenge to pedestrian access M Street
11 Southwest. There is currently neither a
12 traffic light nor crossing from the Tiber
13 Island Block across the Waterside Mall -- to
14 Waterside Mall. Over the course of time,
15 many pedestrians living on the west side of
16 Fourth Street, in the communities of Tiber
17 Island, Harbor Square, Edgewater, and
18 Riverside, nearly 2000 residents, have
19 crossed creatively and illegally. To remedy
20 this condition, ANC-6D wishes to see a fully
21 articulated north/south pedestrian traffic
22 crossing at the intersection on the west side

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 of Fourth Street, across M Street S.W.

2 Next, project density; if this
3 project is approved as presented, it will
4 more than double the amount of square footage
5 allowed on the property. While we appreciate
6 that the Office of Planning wishes to
7 maximize development above Metro Stations
8 city wide, ANC-6D would also like to insure
9 that our neighborhood is not being singled
10 out for such significant construction. In
11 the interest of fairness, the Southwest
12 community will be watching to see that
13 neighborhoods similarly located above Metro
14 locations -- stations, whether on M Street
15 S.W., or along upper Connecticut or Wisconsin
16 Avenue will bear a similar burden.

17 Height and set back issues; ANC-6D
18 is concerned about the M Street facade. This
19 community seeks to avoid an overshadowing
20 street scape with an insufficient set back of
21 18 feet. Rather, ANC-6D would support a more
22 reasonable set back of 22 feet. We feel that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 is necessary to minimize the nearby
2 residents' loss of views, open space, and
3 light. We strongly believe that an
4 accessible street scape needs to be
5 maintained, given the high volume of
6 development expected along this corridor.
7 Additionally, ANC-6D still seeks to address
8 issues of height and massing to prevent
9 structures that would overwhelm the
10 neighborhood. It would be preferable to
11 locate the taller structures toward the core
12 of the project, as opposed to the periphery.

13 This would align with the historic openness
14 and lowered building heights found throughout
15 the Southwest community.

16 Next, the flexibility of
17 residential components; the Applicant wishes
18 to have the flexibility of converting what is
19 currently planned as a residential housing in
20 the northwest portion of the site, to office
21 space. ANC-6D wants to insure that the
22 neighborhood retail component of the project

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 is not affected as a result. With an
2 increase in office workers, there will be a
3 potential increase in retail that caters to
4 their needs, and not the needs of
5 neighborhood residents. Should this option
6 be exercised, we would like to see that any
7 additional retail developed to serve the
8 office property be developed on a one-for-one
9 square foot basis with neighborhood serving
10 retail above and beyond that which is
11 currently provide for in the PUD. The ANC
12 greatly believes that this conversion from
13 residential to office space will
14 significantly change the retail and general
15 nature of the project.

16 Community office and meeting
17 space; the ANC has requested the following
18 space, two offices for the largest of the
19 Southwest organizations, ANC and SWNA, at 350
20 square feet each, two additional offices for
21 other community organizations at 250 square
22 feet each. And we do want to stress that we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 weren't just seeking office space for
2 ourselves, that this would be for other
3 groups. And finally, a multi-use conference
4 room accommodating 20 people to be use by all
5 of those different organizations. But more
6 importantly, ANC-6D seeks the inclusion of a
7 large community space to accommodate at least
8 100 residents. That was not provided.
9 Further, the Applicant chose to provide
10 meeting space as shown in the attached letter
11 for only a period of ten years. To insure
12 greater continuity, ANC-6D proposes that any
13 community meeting space be for the same
14 duration as that of the site space leased by
15 the District of Columbia. We think that
16 these are very reasonable amounts and sizes
17 of office spaces, given the complexity and
18 the size of this project.

19 And finally, establishing a sense
20 of place; the Waterfront Mall project is the
21 most significant development to occur in
22 Southwest Washington in the past 40 years.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 From its inception, ANC-6D has anticipated
2 that this PUD would incorporate the design
3 concepts set forth in other residential
4 properties in greater Southwest. We continue
5 to hope that the Commission will embrace the
6 residential properties located within the
7 Southwest redevelopment area as worthy of
8 recognition and preservation. The properties
9 forming the residential boundaries for the
10 current Waterside Mall super block represent
11 one of the largest concentrations of mid-
12 century modernist architecture in the nation.

13 As the project moves forward, ANC-6D
14 continues to believe that the Zoning
15 Commission needs to acknowledge these
16 residential properties as an important city
17 resource. We strongly urge the Commission to
18 recommend to the Applicant and its architect
19 that they incorporate in their design of the
20 Waterfront Mall an inclusion of these mid-
21 century modernist architectural
22 characteristics.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 For example, while terra cotta
2 materials may have been used in the past in
3 historic Southwest, no such materials are
4 currently on display in the neighborhood in
5 any significant amount. Clearly, the use of
6 such vibrant colors in the architectural
7 renderings, while potentially attractive in
8 another context, are in direct contravention
9 to the design principles understood to be
10 preeminent in this area.

11 Simply put, the finished product
12 must be fully integrated with the surrounding
13 neighborhood. Consequently, we urge the
14 Commission to insure that the Applicant and
15 its architect provide a project that will
16 serve as the geographic, civic, and social
17 community center of Southwest. As such, ANC-
18 6D asks the Commission to make certain that
19 the Waterside Mall does not simply develop as
20 a collection of buildings. The community
21 desires a project that reflects the distinct
22 character of Southwest and provides a sense

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 of place as a strategic center of the
2 neighborhood.

3 In conclusion, the Applicant, ANC-
4 6D, and the Southwest community have
5 discussed the details of this project for
6 many years. After much negotiation, ANC-6D
7 believes that this project needs to move
8 forward. For too long, the local population
9 has lived without its retail and social core.

10 Given the increasing development and
11 demographic pressures on the neighborhood, it
12 is critical that the Waterfront Mall site
13 develops as a touchstone for the community; a
14 place where residents can shop, dine, and
15 enjoy the social interaction so vital to the
16 life of a city. With ANC's strong support in
17 mind, we ask you to consider the issues we
18 have raised and urge the Commission to give
19 great weight to our concerns. Thank you for
20 your time.

21 VICE-CHAIRPERSON HOOD: Thank you,
22 Commissioner Skolnik. Let me open it up for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 any questions. Any questions? Commissioner
2 Parsons?

3 COMMISSIONER PARSONS: I'm trying
4 to understand. Did the vote that was taken
5 in favor of this include in the motion, if
6 you will, the issues that you just outlined;
7 the six issues that you just outlined?

8 MR. SKOLNIK: They were discussed
9 openly in the resolution. I don't know if
10 word for word they're all put in the
11 resolution itself. I don't think so.

12 COMMISSIONER PARSONS: Thank you.

13 MR. SKOLNIK: Yes.

14 VICE-CHAIRPERSON HOOD:
15 Commissioner, I just have one question and
16 one comment. First of all, the one person
17 who voted against it, that's not in their
18 SND, is it?

19 MR. SKOLNIK: No. No, it's not.

20 VICE-CHAIRPERSON HOOD: You
21 mentioned project density, I'm just going to
22 assure you; you're talking about making sure

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 your neighborhood is not singled out. Trust
2 me.

3 MR. SKOLNIK: Okay.

4 VICE-CHAIRPERSON HOOD: Because,
5 it's in my neighborhood too.

6 MR. SKOLNIK: That's good to know.

7 VICE-CHAIRPERSON HOOD: Okay. The
8 meeting rooms; I think I asked about that at
9 the hearing. And this is going to be real
10 quick, because we want to move ahead. You're
11 asking for offices or meeting rooms?

12 MR. SKOLNIK: I think we're asking
13 for both, for small offices for the ANC and
14 for SWNA and for two other organizations, and
15 then meeting space for those organizations
16 and for the larger community.

17 VICE-CHAIRPERSON HOOD: So I think
18 the Applicant has already agreed to the
19 meeting room. Am I correct?

20 MR. SKOLNIK: Yes.

21 VICE-CHAIRPERSON HOOD: It's just
22 the offices which you all are still asking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 for?

2 MR. SKOLNIK: Well, I think they
3 haven't agreed to the larger 100 person
4 community meeting space that we'd have. The
5 smaller offices, yes.

6 VICE-CHAIRPERSON HOOD: Okay. So
7 they've agreed to the smaller offices?

8 MR. SKOLNIK: Yes.

9 VICE-CHAIRPERSON HOOD: But just
10 not the meeting room?

11 MR. SKOLNIK: Yes.

12 VICE-CHAIRPERSON HOOD: Okay.
13 That's all I have. Will you hold your seat
14 for a moment. Does the Applicant have any
15 cross examination? Okay. Ms. Beeten? Is
16 Ms. Beeten present? Mr. Baker? That's
17 right, Mr. Baker. Okay. And Tiber Island,
18 we're not going to do that tonight, Tiber
19 Island? Okay. All right. Thank you, very
20 much.

21 MR. SKOLNIK: Thank you.

22 VICE-CHAIRPERSON HOOD: Next,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 we're going to ask Mr. Baker from
2 Carrollsbury Square to come forward and give
3 us his 15-minute -- you'll have 15 minutes.
4 You want to speak into the mike, so we can
5 hear you.

6 PARTICIPANT: They're trying to
7 get the computer up. He has a Power Point
8 presentation.

9 VICE-CHAIRPERSON HOOD: Well, do
10 you want to do this? Do you want to let
11 Tiber Island come forward while you hook up?
12 Or will that be a distraction?

13 MR. BAKER: I'm all ready.

14 VICE-CHAIRPERSON HOOD: Okay.
15 Okay. And anyone who's here for the first
16 time, you need to fill out a witness card.
17 Do we have anyone here, first of all, here
18 for the first time? Okay.

19 MR. BAKER: I lost my screen.

20 PARTICIPANT: They're working on
21 it in the back. It's on the three monitors,
22 but they're working on it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. BAKER: Do you want to
2 postpone then until the screen comes up?

3 PARTICIPANT: It will be quick.
4 You can just start your presentation.

5 VICE-CHAIRPERSON HOOD: Can we see
6 the monitor?

7 MR. BAKER: Okay. I'll start.

8 VICE-CHAIRPERSON HOOD: Can we do
9 it? Okay. Yes. We have your presentation
10 in front of us.

11 MR. BAKER: Henry Baker of 381 M
12 Street, S.W., delivering testimony for
13 Carrollsborg Square Condominiums
14 Associations, Incorporated, in place of Ms.
15 Kathleen Beeten who cannot attend this
16 rescheduled hearing. Mr. Chairman and
17 Commissioners, thank you for allowing
18 Carrollsborg Square a voice in these
19 hearings. Carrollsborg Square Condominiums
20 (herein CSCA) overwhelmingly embraces the
21 prospects of revitalizing our neighborhood.
22 I quote Dr. Carlos Rodriguez, the former

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 President of CSCA Board of Directors,
2 "Development of this scale will not be
3 stopped in this area. It can't be. It's
4 prime real estate, commercially and
5 residentially. But the short term and long
6 term gains, assets and liabilities must be
7 given a voice. And they have not. Public
8 and neighborhood input has been very
9 limited."

10 Mr. Chairman, Commissioners, we
11 have been without neighborhood services for
12 many years while this plan has been
13 conceptualized. We are unhappy this process
14 has taken so long while many of our
15 businesses have been closed. We are hoping
16 for swift action this time by the Zoning
17 Commission and by the developers so services
18 can be restored to our neighborhood.

19 This is not a simple issue of
20 support or not support, nor should it be cast
21 as a support or not support issue. Few, if
22 any of us, would not support urban

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 development for our neighborhood. However,
2 we require several key items to be addressed.

3 The failure to do so will result in nothing
4 more than the failings of the current
5 Waterside Mall.

6 That's cable. All right. That's
7 not my presentation, sir.

8 In a survey of my condo residents,
9 20 percent support the development without
10 considerations; 80 percent support the
11 proposal with the following considerations
12 that we will make. No one in the Condo
13 Association was opposed to the development.
14 Overall, we ask the Commission to consider
15 our requests and to act swiftly upon the
16 proposals so we may proceed with no further
17 delay.

18 I'll just go to slide number one.

19 Today, I will cover who we are, our
20 concerns, and a brief summary. Who we are:
21 we are a neighborhood. CSCA is a residential
22 cooperative containing 102 town homes in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 middle of a leafy, quiet part of Southwest
2 D.C. A number of our residents are the
3 original owners of the Circa 1966 buildings.

4 Our residents are of all ages, from newborn
5 to senior citizen. We are homemakers,
6 lawyers, builders, designers, Government
7 workers, retired professionals, contractors,
8 and many other careers of life. We represent
9 a wide cross section of race, color,
10 religious creed, national origin, sexual
11 orientation, and ancestry. Our borders are
12 the 200-300 block of M Street, S.W., east to
13 Delaware Avenue, west to Fourth Street, and
14 south to N Street.

15 In the slide over here, we see our
16 development is highlighted in green. And
17 I'll point out here that the Applicant's
18 slide, page 12-1, incorrectly attributed this
19 area to Tiber Island, which it is not. The
20 whole section, which goes off to the right is
21 a mixture of Carrollsburg Square Condominiums
22 and Carrollsburg Condominiums.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 To get a perspective of the size
2 of this project, we highlight the project
3 size in the light blue in the center here,
4 flanked on the left and right by the violet
5 colors of also adjacent proposals that are
6 being developed. And to also further get a
7 feeling of the size of this project, all but
8 11 feet of the United States Capitol could
9 fit in the frontage of this space.

10 Our concerns today focuses mainly
11 on the M Street building's mass, scale, and
12 sidewalk. Zoning and height: we do not
13 object to the requested zoning changes. This
14 land was covered under the Southwest
15 Redevelopment Act, which expired in 1996. It
16 was zoned shortly thereafter with zoning
17 applied as the existing structures demanded.

18 There appears to be no historic precedent
19 that would prevent the zoning changes in the
20 Applicant's request. And we support those
21 changes.

22 We do suggest the Applicant

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 maximize the zoning to rework the M Street
2 buildings. We recommend investigating a
3 reduction of horizontal mass, even if it
4 means building taller, thinner buildings,
5 smaller footprint or higher elevation. There
6 are creative solutions to keep the line of
7 sight, a feeling of space, avoiding the
8 fortress wall feeling, while embracing the
9 modernist architecture of the neighborhood.

10 The set back, we recommend, be at
11 the approved 22 feet. It was previously
12 approved at 22 feet from the curb to the
13 building wall. We share Mr. Turnbull's
14 concern that -- and think that narrowing the
15 sidewalk is not viable. It would make retail
16 space less attractive, make it uncomfortable
17 to walk and shop along the street, and will
18 preclude outdoor dining.

19 570 feet of building wall: the 2 M
20 Street buildings create a fortress effect
21 along the street and we'll show this in a
22 moment.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Finally, invest creative capital:
2 I personally highly respect the work of
3 Shalom Baranes Architects. I think the
4 neighborhood will benefit from his personal
5 and collaborative creative talent. We ask
6 that M Street receive the same or more
7 attention to detail that he has shown on his
8 Fourth Street drawings. We challenge him to
9 find ways to visually and physically reduce
10 the appearance of the mass and scale of those
11 buildings. I know, from his portfolio, that
12 he is more than capable for this challenge.

13 Let's look at the corner of M
14 Street and Fourth Street, looking northeast
15 last week. This is the Carrollsburg Square
16 and Carrollsburg A condominium side, M
17 Street, and the area of the new development.

18 The same corner of M Street with a proposed
19 building in place. You see how it
20 drastically changes the neighborhood. If we
21 go over to the corner of Third Street and M,
22 looking back now, so Carrollsburg Square is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 over on the left side and the development is
2 on the right, these buildings would present
3 something like this. And you see the
4 contrast between office and residential, if
5 such a structure should be put up, and so
6 close to the street.

7 Another point we have is retail
8 strategy. We are pleased the Applicant
9 agrees and is working hard to secure a new
10 Safeway lease. And we encourage -- we
11 approve this full service grocery store. We
12 do request that they engage a retail broker
13 for viable retail. The neighborhood's
14 significantly under served for retail,
15 restaurants, and neighborhood serving uses.
16 We want to insure new retail space is
17 occupied with viable uses that create a
18 lively mixed use place and serve the entire
19 community, not just office workers from 9:00
20 a.m. until 5:00 p.m. We wish they would
21 consider second floor retail. Health clubs,
22 elevated coffee shops, medical offices, all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 can thrive on the second floor, or even a
2 rooftop restaurant. We're not in favor of
3 government offices in retail space. We're
4 not in favor of optional vending carts. And
5 we are not in favor of vacant retail store
6 fronts. And I believe the developer is not
7 in favor of those also. A few examples of
8 the neighborhood services that we lack:
9 community space, medical facilities, health
10 clubs, and there are many more.

11 The next issue we wish to talk
12 about is parking, circulation and access.
13 Parking and traffic: I quote again Dr.
14 Carlos Rodriguez, former President of CSCA
15 Board of Directors: "We all must take very
16 seriously the parking and traffic issue
17 alone. By itself, the Fourth Street cut-
18 through will bring us many unanticipated
19 problems which are not being addressed. Just
20 think of the volume of increased traffic,
21 coupled with the stadium on the street and
22 parking infrastructure, which is essentially

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 left untouched throughout, not even to
2 mention the increase in gas emission
3 pollution. The traffic survey alone has not
4 been given its due."

5 We approve of the increase in
6 residential units in the PUD. However,
7 parking does not appear to have been kept up
8 with this increase. There are three times as
9 many residential units with now only one
10 space per four residential units. At
11 Carrollsburg Square, we have one space per
12 unit, and we are struggling now to park cars
13 for guests, contractors, and people with a
14 second car. We agree with the Metropolitan
15 Police Department memorandum dated 3 May
16 2007, which states, "Insure private parking
17 is allocated to these residents prior to
18 approval. There is a lack of off street
19 parking there." We request the minimum .8
20 spaces per unit, as OP has applied to other
21 Metro-proximate developments, and monitor
22 parking supply and demand to prevent spill-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 over into the neighborhood. We recommend the
2 Applicant allow shared use of the office
3 garage during non-peak times by the general
4 public retail customers and others.

5 We concur with the Office of
6 Planning that the proposed street entrances
7 for the buildings on M Street -- oh, did I
8 jump ahead again? I'm sorry. I jumped ahead
9 of my slide here. I'm going to go back here.

10 Market retail/market value: real
11 estate value is considerably higher for D.C.
12 residencies with parking. The current plan
13 would create an abundance of less desirable
14 real estate with low end market value.
15 Neighborhood streets already serve overflow
16 parking for area attractions, the Arena
17 Stage, Dinner, and touring boats, and many
18 clubs along the waterfront. People have
19 parked on my street, on N Street to go to the
20 H2O Club quite a distance away. And there's
21 a loss of M Street parking.

22 We failed to ask this question to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DDOT, but we understand there might be some
2 proposed changes to the Fourth Street and M
3 Street intersection. And it appears we may
4 lose some off-peak parking along M Street.

5 Now we get to the avoid curb cuts
6 for M Street garages. We concur with the
7 Office of Planning that the proposed garage
8 entrances for the buildings on M Street be
9 relocated to any other street frontage.
10 Additional curb cuts on M Street and any
11 median cut will create an undesirable retail
12 environment and prioritize vehicles over
13 pedestrians and disrupt pedestrian and
14 shopper traffic.

15 The assumption that 80 percent
16 transit ridership, we feel is unrealistic.
17 Many office workers do not live in Metro
18 accessible locations. Many residents will
19 have at least one car. There's a little
20 incentive to ride the Transit, as the
21 Applicant has offered a \$10.00 one-time
22 coupon. Also, morning commuters currently

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 experience overflowing trains and missed
2 rides. We recommend further studies of
3 pedestrian and vehicular traffic. We remain
4 skeptical of the statistics on traffic flow
5 as presented earlier in this hearing. We
6 request that traffic simulation and
7 circulation studies be repeated prior to
8 stage two.

9 On the record and of concern is
10 loss of current green space. This project
11 has an appreciable lack of green space. Its
12 lack of sense of place as a Southwest
13 community center and the lack of
14 architectural interrelationship with the
15 largest post-modern group of buildings in the
16 United States. If we fail to work on this
17 now -- to address this now, would be an
18 opportunity squandered. We also have a loss
19 of green space and mature tree canopy behind
20 the Waterside Mall to the north side of
21 Fourth Street. Approximately one third of
22 that park will be dismantled for Fourth

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Street.

2 Public access easements: regarding
3 the privatized green space in the east and
4 west courtyards of the development, we ask
5 that the Commission require the Applicant to
6 provide public access easements to the east
7 and west courtyards.

8 Plaza space: we approve the
9 increase of 50,000 square feet of public
10 plaza space at Metro. However, this space
11 has streets with bullards running through the
12 east and west sections that compromise
13 pedestrian safety. The design compromises
14 its use as a public gathering space or visa
15 vis compromises traffic flow when used as a
16 public space. We encourage further thought
17 on how to provide a better environment for
18 public gathering and to create a sense of
19 place for the community and on site users.
20 We do approve of the suggested installation
21 of fountains and encourage adding more green
22 space and public art that is meaningful to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the Southwest.

2 We ask for additional pedestrian
3 scale lighting, as mentioned I believe by Mr.
4 Parsons, in this area. The development could
5 benefit from better lighting and overall
6 safety improvements. We also find no
7 abatement for rodent and dust control, and we
8 ask that this be included in the plan. I
9 have attached letters from our constituency
10 to our proposal and I recommend the
11 Commission read them over.

12 In summary, our main concerns are
13 the M Street buildings, that they be modified
14 from a fortress to inviting; that parking and
15 transportation elements need further study
16 and improvement prior to phase two; and that
17 this project be expedited as prudently as
18 possible. Our secondary concerns are
19 increased public lighting, more public green
20 space, reduce median and curb cuts, engage a
21 retail broker, bring retail online as soon as
22 possible, consider second floor retail.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 We're against vendor carts, against
2 government use of retail space, and we are
3 for a full service grocery store and
4 increased residential use.

5 Thank you very much for your time
6 and your consideration. I'm sorry to read so
7 fast.

8 VICE-CHAIRPERSON HOOD: That's
9 okay. I think we were able to keep up with
10 you. I appreciate your staying within the 15
11 minutes. Colleagues, any questions? Let me
12 ask you this though, Mr. Baker, against
13 vendor carts? What are you speaking in terms
14 of? I didn't follow you on that. Vendor
15 carts?

16 MR. BAKER: Vendor carts on the
17 public plaza. We are opposed to carts that
18 are pushed in, in the daytime to sell hot
19 dogs and hamburgers and then move out in the
20 nighttime. They create litter and rodent --
21 you know, health services.

22 VICE-CHAIRPERSON HOOD: Ok, okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. BAKER: We have been much more
2 in favor of a permanent kiosk there that
3 could be closed up at night and opened up in
4 the morning that could be more like a mini-
5 store, rather than movable vending carts.

6 VICE-CHAIRPERSON HOOD: Okay. Any
7 questions, colleagues? Hearing none, Mr.
8 Quin?

9 MR. QUIN: No questions, sir.

10 VICE-CHAIRPERSON HOOD:
11 Commissioner Skolnik?

12 MR. SKOLNIK: I just have a quick
13 question. Pull up that slide with that
14 capitol building. I was just very impressed
15 and blown away by the particular slide. But
16 maybe you can sort of comment. How does that
17 compare -- you said compared by width. How
18 does that compare height wise? I mean, is
19 that an accurate to scale --

20 MR. BAKER: I didn't measure
21 height. I was looking at width. Certainly,
22 the top of the Capitol will be much higher, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 would believe, than -- or else this would not
2 be permitted.

3 MR. SKOLNIK: And to clarify, you
4 would be willing to sacrifice some of the
5 height by reducing the width. Is that what
6 you were saying?

7 MR. BAKER: I think the zoning
8 allows that these buildings could go a little
9 higher. And that we would allow that if the
10 footprint could be narrower so that you had
11 more line of sight through these buildings so
12 it wasn't a big mass there.

13 VICE-CHAIRPERSON HOOD: I think
14 what he's saying is more height and bring in
15 the density? Okay. Kind of like when you're
16 going into Atlantic City, make it taller.

17 MR. BAKER: Or, for instance, my
18 favorite building, the Lieberhouse Building
19 in New York, which has a lovely walk-through.
20 The first level is empty. It has a second
21 level, and then towers back from it. So it's
22 much airier than a block of building.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 VICE-CHAIRPERSON HOOD: Okay. All
2 right. Let me see, Tiber Island. No cross?
3 Okay. Thank you very much, Mr. Baker.

4 MR. BAKER: You're welcome. Thank
5 you, sir.

6 VICE-CHAIRPERSON HOOD: Okay.
7 Tiber Island. And Mr. Greenburg, we're going
8 to have you do the presentation? Okay.

9 MR. GREENBURG: Mr. Chairman and
10 Commissioners, I'm Paul Greenburg. I'm
11 President of Tiber Island Cooperative Homes,
12 Incorporated, and a resident of 430 M Street
13 S.W., Apartment 705, at Tiber Island. This
14 particular building is immediately across the
15 street from the Waterside Mall project.

16 I appear individually and on
17 behalf of Tiber Island and its residents and
18 share holders. I am authorized by the Board
19 of Directors to give this testimony on behalf
20 of Tiber Island.

21 First, let me thank the Commission
22 for allowing us to participate this evening

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 as a party. As the Commission may recall, we
2 sought party status in the initial PUD
3 proceeding four years ago and we were denied
4 party status and sued the Commission over
5 that. Indeed, just a couple of months ago,
6 we sought party status in the Marina View
7 Towers PUD application. We were denied party
8 status at that time, even though our interest
9 in that property was identical to our
10 interest in this particular project. We
11 think this is a welcome change on the part of
12 the Commission and we want to thank you for
13 it.

14 Tiber Island is a 389 unit housing
15 cooperative on the south side of M Street,
16 between Fourth and Sixth Streets. We are
17 right across Fourth Street from the
18 Carrollsburg Square property. And I want to
19 thank our friends at Carrollsburg Square for
20 the terrific illustrations.

21 I have a lengthy statement. I am
22 not going to read all of it. Tiber Island

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 supports the redevelopment of the Waterside
2 Mall site and we do not oppose a very high
3 density mixed use project. However, it is
4 critical that the new development be
5 compatible with the rest of the Southwest
6 neighborhood, which increasingly is being
7 recognized as historically and
8 architecturally significant. In repeated
9 meetings with Waterfront Associates and the
10 D.C. Office of Planning, as well as this
11 Commission, Tiber Island and our neighboring
12 property owners at Tiber Island Condominium,
13 Carrollsburg Condominium, and Carrollsburg
14 Square Condominium have voiced our concerns
15 about the proposed massing of the buildings
16 at the Waterside Mall site and the adjacent
17 designed properties immediately to the east
18 and west. Particularly the proposal to build
19 a solid wall of 10 and 11 story office and
20 apartment buildings, stretching from Third to
21 Sixth Street, S.W.

22 Collectively, our four properties

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 represent approximately 1500 D.C. residents.

2 As best we can determine, not a single
3 change has been made to the proposed
4 Waterside Mall PUD or the adjacent Marina
5 View Towers PUD in response to our repeatedly
6 expressed concerns. A copy of our November
7 6, 2006, joint letter to Waterfront
8 Associates is included in our testimony as an
9 attachment. You'll notice that we have -- a
10 number of us are wearing stickers that say
11 let's get it right. We had, I think, a few
12 more people who were here last week.

13 You know, this is a project that
14 is going to change the character of the
15 neighborhood forever. And, you know, we
16 welcome the prospect of getting better retail
17 in the -- retail life in the community.
18 We're certainly not opposed to high density
19 development. But we want to make sure that
20 we get the best project that we can.

21 And indeed, in meetings that we've
22 had at Tiber Island, over the last few years

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 since the first stage PUD, meetings that
2 we've had with the developer, we have
3 repeatedly said that we hoped that the
4 developer would listen to our concerns so
5 that we could arrive at this hearing this
6 evening in complete support of the proposal.

7 We were serious about it. That really is
8 our view. We feel, unfortunately, that the
9 Applicant has not been responsive to the
10 concerns that we've expressed about the
11 massing of the buildings.

12 Tiber Island was constructed as
13 part of the Southwest Urban Renewal Project,
14 which is recognized as the nation's premier
15 example of mid-20th century modernist
16 planning and a likely candidate for Historic
17 District status. The Southwest Plan
18 reflected a conscious effort to break with
19 the development patters of the rest of the
20 city, which typically consists of streets
21 lined with buildings. We have many projects
22 in the neighborhood featuring premier local,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 national, and international architects of the
2 era.

3 As modernism comes into renewed
4 focus as an important architectural movement,
5 and I would note the very big exhibit at the
6 Corcoran Art Gallery these days on modernism,
7 which includes modernist planning principles,
8 as modernism comes into focus as an
9 architectural movement, a complete and
10 coherent modernist neighborhood in Southwest
11 can become a significant destination holding
12 significant value for the District of
13 Columbia. In many respects, the Southwest
14 neighborhood's reputation as a showcase for
15 modernist architecture is analogous to Miami
16 Beach's status as the exemplar of Art Deco
17 architecture. And I would note that Miami
18 Beach's Art Deco architecture wasn't
19 considered to be especially valuable until
20 they started tearing down important buildings
21 there. The State Historic Preservation
22 Office has commented to community leaders

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that it anticipates the neighborhood will be
2 designated a historic district at some point
3 in the not too distant future. We would note
4 that the National Park Service, in a 2004
5 publication entitled Southwest Washington
6 D.C. Urban Renewal Area, published an issue
7 of the Historic American Building Survey.
8 It's report No. DC-856, and it is included as
9 an attachment to our testimony. It's a 150
10 plus page history of the Southwest Urban
11 Renewal Project.

12 Southwest is a neighborhood
13 designed to provide a very different urban
14 experience from older portions of the city.
15 Tiber Island, like much of Southwest, is a
16 mixture of high rise and low rise structures.

17 The large high rise buildings at Tiber
18 Island and many others in Southwest are
19 oriented perpendicular to the neighborhood's
20 main thoroughfares, creating vistas into the
21 center of the block and beyond. The result
22 is a densely populated neighborhood that is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 unparalleled for its vistas and its abundance
2 of open space, trees, and light. Yet the
3 very features that make the neighborhood so
4 beautiful, also pose the greatest threat to
5 its preservation. For the most part, the
6 design requirements for the community under
7 the Southwest Urban Renewal Plan limited
8 buildings to occupying only 30 percent of the
9 total land area of each site. The major
10 residential projects in the community,
11 therefore, are underdeveloped under current
12 Office of Planning policies. And we are very
13 concerned about the expansion of in fill
14 developments within the neighborhood, many of
15 which have -- some of which already have
16 degraded the quality of the -- and the
17 integrity of the modernist district.

18 And if you -- now, Mr. Hod, you
19 commented at the last hearing that, you know,
20 sometimes you -- you know, you've already
21 experienced going around the city and
22 sometimes seeing projects that have already

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 been approved by the Commission and being
2 surprised because they seem out of character,
3 at least with the neighborhood as you knew
4 it. We all experience that. And, you know,
5 that comes with change. But there actually
6 is a fairly large in fill development in the
7 neighborhood that's -- that's up. It's
8 already been sold as a condominium. It's 355
9 I Street and 350 G Street. If you want to
10 see what a building looks like that's plunked
11 down in a modernist neighborhood that's not
12 consistent with the underlying scheme of the
13 neighborhood, all you have to do is look at
14 it. It's sort of interesting that a
15 building -- you would think a building that
16 is brand new would be more attractive than
17 buildings that are 40 years old. This proves
18 that that's not always the case.

19 We believe that if the -- if this
20 particular project at Waterside Mall was a
21 development that was being proposed in
22 Georgetown or in upper northwest communities

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 such as Friendship Heights, we are convinced
2 that more questions would be asked about the
3 project and its design and its compatibility
4 with the neighborhood. There really is
5 nothing comparable in size and integrity to
6 the Southwest Urban Renewal area and its
7 modernist architecture and plan, which were a
8 bold and audacious public/private partnership
9 that sought to harness contemporary urban
10 planning and design principles to create a
11 new living environment for working class
12 Americans. The time really has come and is
13 overdue for city leaders to recognize the
14 treasure the neighborhood represents and the
15 danger that it is facing from redevelopment.

16 With specific regard to the
17 Waterside Mall proposal, Tiber Island
18 Cooperative Homes does not oppose new high
19 density development at the site. We welcome
20 the reopening of Fourth Street and the
21 restoration of the EPA Towers at either end
22 of the property to their originally intended

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 residential use. In addition, we do not
2 oppose efforts to construct retail space
3 lining the full frontage along M Street at
4 ground level. We strongly object, however,
5 to plans to construct a solid, impenetrable
6 wall of buildings lining the north side of M
7 Street, both at the Waterside Mall site and
8 at the adjacent Marine View Tower site and
9 the Town Center East site.

10 Interestingly, the wonderful
11 pictures that Carrollsburg Square provided,
12 showing the massing of these buildings
13 actually understates the scope of what's
14 being proposed. As you'll recall, there was
15 one slide that they had that showed what --
16 that included what a building might look like
17 at this waterfront property, viewed from the
18 eastern end of M Street, looking west toward
19 the river. It was a rather large buildings.
20 It's 11 stories. It faces two-story town
21 houses on the south side of the street. That
22 particular slide had the office building at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 waterfront, but did not include what we
2 anticipate will be the nine or 10 story
3 apartment building that's going to be
4 proposed at the Town Center East project.
5 This will essentially be the mirror image of
6 the Marine View Towers project that was just
7 proposed. So, as massive as that building
8 looked, it's going to have immediately next
9 to it, at some point we assume, a comparably
10 large apartment building.

11 At Waterside Mall, the buildings
12 will be set back only 18 feet from the curb,
13 as proposed by the Applicant, and would rise
14 to 114 feet in height. In our conversations
15 with the developer, it appears this
16 configuration has been proposed with the
17 encouragement of the District's Office of
18 Planning. If implemented in this manner,
19 this cookie cutter approach to D.C. urban
20 planning will produce a landscape completely
21 at odds with the underlying scheme of the
22 existing neighborhood, needlessly restricting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 views and producing a street scape that will
2 resemble the mediocre structures already
3 rising nearby at the Navy yard. Residents of
4 two story town houses on the south side of
5 the street will be staring at a wall of 11
6 story office buildings on the north.

7 Tiber Island Co-op will be
8 directly affected by the proposed building.
9 Just as we objected to the Marine View Towers
10 proposal and we include as an attachment our
11 testimony in that proceeding, we believe the
12 planning assumptions underlying the proposed
13 Waterside Mall project reflect poor design
14 choices and should be altered as part of this
15 PUD process. And let me just note, we were
16 frankly somewhat disturbed. You know, we
17 appreciated the very candid responses that we
18 got from Shalom Baranes when we -- during our
19 cross examination of the Applicant's case,
20 where he acknowledged that, you know, that
21 there -- there could be some advantages to
22 taller buildings, but that the Office of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Planning had opposed this. But that
2 opposition was from several years ago. We
3 have, on several occasions, offered to go
4 with the developer to meet jointly with the
5 developer and with the Office of Planning to
6 plead our case for having a different design
7 strategy for this site. Apparently, this was
8 never conveyed to the Office of Planning and,
9 I mean, it's a little ironic. In most
10 neighborhoods, the idea of taller buildings
11 would be met with strong opposition. I mean,
12 what you're facing here, certainly from Tiber
13 Island and also from our neighborhood -- our
14 neighbors at Carrollsbury, is a suggestion
15 that, in this instance, you know, if we begin
16 with the assumption that the density of the
17 project is a given and we may not, you know,
18 that's -- that can be debateable. But if a
19 project of this scale is going to be built,
20 the people in the neighborhood would rather
21 see it taller so that we can see through it.
22 Otherwise, we just have a solid wall of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 buildings that we're going to be staring at.

2 In summary, we believe that the
3 entire construction along M Street should be
4 set back a minimum of 22 feet from the curb,
5 both for this property as well as the
6 adjacent properties. At the ground level, we
7 do not object to lining M Street with retail
8 and lobby space from corner to corner, as
9 proposed by the Applicant. This would apply
10 to perhaps the first 20-30 feet of height
11 along M Street itself, which is roughly
12 comparable in height to the town houses that
13 line M Street on the south side. However, if
14 the Commission is going to consider approving
15 a construction of high rise buildings as part
16 of this PUD on the north side of M Street, we
17 also believe that the horizontal dimension of
18 the new buildings above 30 feet should be
19 shortened in favor of adding additional
20 height to the structures. This would improve
21 sight lines through the neighborhood. Taller
22 and more compact buildings would offer

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 significant advantages, we believe, to the
2 developer and to the District at this
3 particular location. Apartments and office
4 buildings on higher floors produce
5 substantially higher rent, thus increasing
6 the value of the property and increasing the
7 city's property tax base. When reopening
8 Fourth Street for vehicular traffic, we
9 believe that the full visual right-of-way
10 should be restored as well. The facade of
11 the proposed office building along the east
12 side of Fourth Street should not protrude
13 into the historic Fourth Street right-of-way.

14 The so-called bay on the east Fourth Street
15 Building should be removed.

16 The proposed office buildings
17 along M Street are being added to an existing
18 residential neighborhood. The approval of
19 the proposed PUD should be conditioned on the
20 developer adopting a lighting scheme for any
21 office space along M Street that would be
22 compatible with the lighting patterns for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 residential use. We also, and frankly we did
2 not include this in our prepared testimony,
3 but we thought the suggestions that came from
4 the -- the questions that came from the
5 Commission about, you know, flipping the --
6 the residential and the office development
7 from the north side of the site to the south
8 side of the site and vice versa was an
9 interesting one. Given our druthers, we'd
10 rather be looking at residential buildings
11 across the street from our properties if we
12 could.

13 Finally, we do feel that the --
14 that we should -- that steps should be taken
15 to insure that any new buildings on the site
16 should be constructed in a modernist style
17 compatible with the surrounding community.
18 On that score we -- we actually do want to
19 applaud the developer and the architect for
20 giving us what -- what appear to be, you
21 know, pretty good buildings. You know, we've
22 -- you know, this is -- and, in fairness, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 mean, we do want to acknowledge that -- that
2 this is a pretty good developer. And, you
3 know, the plan they -- the plan that they
4 have presented obviously -- obviously
5 reflects an enormous amount of work and --
6 and is significantly improved in important
7 ways from the PUD that was -- that was
8 approved several years ago. You know, this
9 is really just our effort to maintain a
10 quality of life for us, as well as a
11 neighborhood that is a significant asset for
12 the city, because of its historic quality.

13 VICE-CHAIRPERSON HOOD: Okay. I
14 want you to give me your last sentence. I
15 don't want Mr. Baker to get upset because he
16 stopped two minutes before, and he'll say I
17 gave you some extra time. So I want to be
18 fair. I like to be fair across the board.
19 So I want you to give me your last sentence.

20 MR. GREENBURG: That was my last
21 sentence.

22 VICE-CHAIRPERSON HOOD: All right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 You're right on time. Thank you. Any
2 questions of Mr. Greenburg? I have one
3 question. And this actually came from
4 another case. First, do you know of anything
5 that's going to happen on the east side? And
6 I specifically remember asking at that time,
7 I'm not sure if it was a different owner or
8 whoever did Marina towers, was there a
9 project on the east side of the east tower of
10 the Waterfront Project of those residential
11 buildings there? And I was told at this
12 hearing that there was nothing proposed as of
13 yet. And now, since we've had this hearing,
14 everybody seems to already know that there's
15 something that's taken place over there. Is
16 something going to happen there?

17 MR. GREENBURG: Well, I -- I think
18 that the ANC Commissioners could speak to
19 that. And I suspect that the Applicants
20 could speak to it. Because even the
21 Applicant's drawings show buildings -- new
22 buildings being constructed on the parking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 lot at the Marine View Towers site that would
2 be roughly comparable in size, we assume, to
3 the Marine View Towers project.

4 VICE-CHAIRPERSON HOOD: Okay.

5 MR. BAKER: At Tiber Island, we
6 don't have -- we have not spoken to the owner
7 of the property.

8 VICE-CHAIRPERSON HOOD: So and I
9 also getting the same oomph from you about
10 more height, so you can say -- and I really
11 will say this -- Carrollsborg, the one where
12 it shows -- the one before it shows where the
13 Capitol fit right in, I don't think that was
14 a true representation. From what I see here,
15 you know, you have Fourth Street opening up.
16 You almost have Third Street. When you
17 looked at it, they just kind of blocked
18 everything in. And it looked to me like
19 there was no opening and no views where you
20 could see up the street. And I don't know if
21 that was a true representation. But then
22 again, I don't know what they were exactly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 trying to show me. I know they were trying
2 to show me the density, but when I look at
3 it, I still -- from what I'm looking at, and
4 I'm referring to 1.2 in the Applicant's case,
5 you can still see -- you know, you still see
6 up Fourth Street. It's not like it's just a
7 block that you can't see up. That's my
8 issue. What was presented in Mr. Baker's
9 case, I probably should have mentioned it to
10 you, Mr. Baker, when you were at the table.
11 But I just thought about it.

12 So, are you in tuned to more
13 height also?

14 MR. GREENBURG: Oh, absolutely.
15 Absolutely. They -- and actually, Mr. Hood,
16 if you -- you know, if you could hold back up
17 the sheet you just had.

18 VICE-CHAIRPERSON HOOD: I'm
19 holding up 1.2.

20 MR. GREENBURG: You know,
21 essentially, you know, what would -- what
22 would be possible if -- if additional height

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 were allowed, let's say for the office
2 buildings along M Street, you know -- you
3 know, the open space that currently exists at
4 Fourth Street could be opened even further,
5 so that the properties on the south side of M
6 Street would be -- would have a better view
7 into the interior of the property.

8 VICE-CHAIRPERSON HOOD: Show me
9 where you are -- are you here or are you
10 further down?

11 MR. GREENBURG: Well, actually
12 we're right where you pointed. Yes.

13 VICE-CHAIRPERSON HOOD: Right
14 here?

15 MR. GREENBURG: That's -- that's
16 the high rise at Tiber Island Co-op, and the
17 -- we're surrounded by the Tiber Island
18 Condominiums.

19 VICE-CHAIRPERSON HOOD: What is
20 the height?

21 MR. GREENBURG: Our building is 90
22 feet high.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 VICE-CHAIRPERSON HOOD: Okay.
2 Again, the issue about windows. Are there
3 windows on this side?

4 MR. GREENBURG: We do not have --
5 our buildings, unlike the Carrollsburg high
6 rises, do not have -- the building that is on
7 -- that faces M Street, does not have any
8 buildings on the north side. We do, however,
9 have a complete building -- you know, the
10 building is essentially -- it's a north/south
11 building and all of the windows are either on
12 the east side or the west side of the
13 building. On -- we have a building on Fourth
14 Street which is oriented -- you know, which
15 is oriented north/south. So we have a second
16 building at Tiber Island where, you know,
17 where one entire side of the building faces
18 directly the Waterside Mall property.

19 VICE-CHAIRPERSON HOOD: Is this it
20 here? You probably want to stay on the mike,
21 so if you could just show me. Is this it
22 here?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. GREENBURG: Actually, no.
2 It's -- it's not shown. It's -- it's right -
3 - it's right -- it's right here.

4 VICE-CHAIRPERSON HOOD: All right.
5 So it's further back? Okay. All right.
6 It's ironic. You work in a neighborhood.
7 You never pay attention to the name of the
8 buildings. Okay. All right. I think that's
9 all I have. Okay. Any other questions,
10 colleagues? Okay. Mr. Skolnik?

11 MR. SKOLNIK: No questions.

12 VICE-CHAIRPERSON HOOD: Mr. Baker?
13 Come to the table and get on the mike.
14 Thank you.

15 MR. BAKER: I have a question to
16 clarify that the proposal for increase in
17 height is to make up for the loss of density
18 in the mass. You're not just proposing that
19 we build taller? Is that right?

20 MR. GREENBURG: That -- that --
21 that's correct. I mean, our -- our view is
22 that there would be a trade-off that -- and,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 you know, I mean we have reservations about
2 the -- the sheer size of the project in any
3 event. But that, if the project is going to
4 be this big, it would be better if it were
5 taller and thinner.

6 VICE-CHAIRPERSON HOOD: Okay. All
7 right. Thank you, Mr. Greenburg.

8 MR. GREENBURG: Thank you.

9 VICE-CHAIRPERSON HOOD: Okay.
10 Moving right along. We're going to try to go
11 here. First, in support, I'm going to ask for
12 persons in support, and I'm going to start
13 with the list we have here. And if I
14 mispronounce your name, forgive me. Just if
15 it sounds like it, just come on to the table.
16 Graham Brock, Gene Solon.

17 MS. SCHELLIN: He's down for
18 opposition.

19 VICE-CHAIRPERSON HOOD: Oh, I'm
20 sorry. Hold tight. Hold tight. You're in
21 opposition. Okay. Sharon, I see you even
22 have this color coded and I still got it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 wrong. Okay. Graham Brock, Sara Fritz, come
2 on up to the table. Sharon, what did we just
3 get? Four?

4 MS. SCHELLIN: Four.

5 VICE-CHAIRPERSON HOOD: Daniel
6 Karchem. Daniel Karchem? Daniel Karchem?
7 Daniel B. Karchem? Okay. I got that wrong.
8 Okay. We'll try again. Martin Cumball?
9 Martin Cumball? Martine? Okay. Okay. Bob
10 and Susie Lewis?

11 MS. SCHELLIN: Morris.

12 VICE-CHAIRPERSON HOOD: Morris?
13 Bob and Susie Morris? We'll take both of
14 you. Okay. We've got our first panel.

15 MS. SCHELLIN: We can just remind
16 the witnesses before they sit down to give
17 their cards to the court reporter. Please
18 fill out two cards.

19 VICE-CHAIRPERSON HOOD: Well, if
20 you haven't done that yet, please sit down
21 and please give them to him as soon as --
22 give them to the young lady as soon as you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 get through testifying. Speak into the mike.

2 Okay.

3 MS. SCHELLIN: Tonight, you
4 testify. So you need to fill them out again.

5 VICE-CHAIRPERSON HOOD: Okay. All
6 right. We're going to start this. You may
7 begin.

8 MR. BROCK: All right. Just for
9 clarification, I am Marina View Trust, ELLC,
10 the neighbor. So I don't know if I get five
11 minutes or three.

12 MS. SCHELLIN: It's on for five.

13 MR. BROCK: I'm Graham Brock. I
14 represent Marina View Towers, the PUD that
15 was just approved. Coming here tonight, or
16 today, in support of this project, we have
17 worked for two and a half years with this
18 particular developer. We had a very good
19 relationship going forward. We sort of
20 shared a common dream for this site. I feel
21 that they've had particular pressure, based
22 upon the size and the complexity of this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 site. And I think they've got it right.

2 There are many ideas that you
3 could do with such a big site: office,
4 retail, residential. I think the residential
5 should be focused toward the top of the site,
6 towards the north. I like the idea of the
7 office to the south, unlike Tiber Island.

8 Over the two and a half years I've
9 watched the site evolve, it has evolved along
10 with our site. We've worked together to
11 create what we feel is going to become a town
12 center for Southwest. Right now it's not
13 functioning in the right way. It needs help.

14 So, by opening up Fourth Street and trying
15 to tie it back into the city and also create
16 that sort of central pocket right at the
17 Metro, I feel that it will create a focal
18 point in Southwest that's not just the water.

19 It is -- it's the place where everyone can
20 gather; a place where everyone can be, and
21 sort of an identify for the neighborhood.

22 Going to a lot of the stuff I've

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 heard over time about M Street, M Street's a
2 very wide street, as of right now. A lot of
3 the buildings are set back on the south side
4 of M Street. We made the conscious decision
5 to -- at Marine View Towers, to bring our
6 buildings up as close as possible to the
7 street. When you create ground floor retail,
8 you want a compact feeling along that
9 corridor. You don't want these long,
10 cavernous retail spots with just sort of a
11 sea of sidewalks. You really want sort of
12 more of a Georgetown feel, where the
13 buildings are closer and creates this more
14 lively sense. That's what creates good
15 retail. We made that conscious decision and
16 we actually encouraged this developer to
17 follow us and come with us and try to pull
18 their buildings up.

19 I don't think 22 feet really gets
20 you anything. It's four extra feet of just
21 sidewalk. When you're talking about Tiber
22 Island or anyone to the south, they're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 already way set off of M Street anyway. So
2 that -- I don't -- I don't think that that
3 creates a good project if you have four extra
4 feet. We studied it. We look at it. We
5 looked at the depth of it. And we realized
6 that that four feet really affects our
7 projects, as far as spacing of buildings and
8 all that. But it doesn't affect the
9 sidewalk. You're still talking about 18 feet
10 versus 22 feet; not a big difference.

11 Going to the height of the
12 buildings, right now we have an eight story
13 to nine story building, two of them, on our
14 side. They're Ian Pei designed. They're
15 beautiful. We are then planning 11 stories.

16 We did not, and this is what we've worked
17 with, not want a crewcut of buildings all
18 along the same height. You don't want 130
19 feet top to bottom of every one of these
20 buildings. It would create this weird
21 feeling of everything's the same height.
22 Everything's -- everything just won't jive.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 The way we have it now, we have the 30-foot -
2 - 130 foot towers; you have our buildings
3 that sort of buttress this little pocket
4 park, that we have going is you have a height
5 and then you step down, and then you'll step
6 back up as you come to M Street and you'll
7 step down and you'll step over to Tiber
8 Island. It creates this little -- a nice
9 play between the buildings, versus everyone
10 being 130 feet, nice slender buildings. But
11 then everyone's the same height and you don't
12 have this fun play between the buildings.

13 Finally, we have a -- we've sort
14 of worked pretty diligently to create a
15 project with Waterfront that functions
16 together. We have a shared private drive on
17 the -- I guess it's the west side of their
18 side, east side of ours, that will only be
19 sort of -- it'll be sort of a service drive.

20 There's not a lot of vehicular access off of
21 it.

22 We'll also have pedestrian walk-

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 throughs. And we've worked pretty diligently
2 to keep these walk-throughs for the
3 surrounding community so they can cut through
4 our site and Waterside to get to the Metro.

5 All-in-all, we feel that this is a
6 great project for the community and we feel
7 that they've done an exceptional job and
8 should definitely get approved. Thank you.

9 VICE-CHAIRPERSON HOOD: Okay.
10 Thank you. Next? Turn your mike on first,
11 please.

12 MS. FRITZ: My name is Sara Fritz.
13 I live at 1224 Fourth Street SW, in
14 Carrollsburg Square. I'm here to say that my
15 husband and I, as well as a number of our
16 neighbors are 100 percent in favor of this
17 plan. I moved to the neighborhood three
18 years ago with the expectation that it was
19 going to be improved. Instead, it's gotten
20 worse and worse.

21 If I had any complaint with these
22 developers, it is that they have been far too

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 slow in getting going on this project. I
2 sympathize with the desires of my neighbors
3 who want a little more of this and a little
4 less of that. But I would be opposed to any
5 changes that might further delay this
6 project.

7 The current situation in our
8 neighborhood is absolutely unbearable. We've
9 lost what few retail shops we had. Buildings
10 are dilapidated and boarded up. And the
11 existing public space around the Metro is
12 filthy and dangerous.

13 Some of my neighbors want deeper
14 set backs. I want to point out that
15 Carrollsburg Square and Tiber Island, for all
16 their faults, were designed in the manner
17 that prevents us from being deprived of
18 sunlight. Our homes face inward onto large,
19 green, open spaces. They also complain about
20 increased traffic. These people are living
21 on top of a Metro stop. If traffic
22 increases, the Metro is a perfect safety

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 valve. The more traffic, the more people
2 will rely on Metro. And, in fact, that's why
3 Metro was built.

4 The worst idea I've heard here
5 today is that the new Waterside Mall should
6 be designed to be consistent with the
7 Brutalist architecture of my own home. The
8 only Brutalist building -- other Brutalist
9 building in the District of Columbia is the
10 J. Edgar Hoover Building. And I think we
11 would all agree that it is the ugliest
12 building in the city. Please don't bring
13 that to my neighborhood.

14 In my view, many people living in
15 Carrollsburg Square and Tiber Island want to
16 sacrifice the good for the perfect. I will
17 be happy with the good and I think the
18 current plans for the Waterfront Mall are
19 perfectly good. I want to see this project
20 completed in my lifetime. Thank you.

21 VICE-CHAIRPERSON HOOD: Okay.
22 Thank you, Ms. Fritz. Mr. and Mrs. Morris?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Ms. Morris?

2 MS. MORRIS: Yes. I'm Susanne
3 Morris, and this is my husband, Bob Morris.
4 We live at 1230 Fourth Street, just a few
5 doors down from Sara Fritz. We have lived in
6 this community for over 20 years, and we have
7 seen the Waterside Mall go from sad to worse.

8 We are very enthusiastic about the
9 new proposed development. We are really
10 excited that there's so many possibilities
11 that might be realized here. However, we
12 would like to endorse the testimony that was
13 given by our Board President, Henry Baker, to
14 please go ahead and approve this -- this
15 planned unit development with considerations,
16 as outlined, with the set back and concern
17 for traffic and parking, in particular.

18 We are a community. We have many
19 neighbors. And I feel that this development
20 is an enormous investment, not only on the
21 part of the people who are financing it, but
22 the tax payers and the community that stands

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 prepared to invest their spirit and their
2 heart in the further development of this
3 wonderful area of Washington, D.C. Thank
4 you.

5 VICE-CHAIRPERSON HOOD: Thank you.

6 Mr. Morris?

7 MR. MORRIS: I will just add that,
8 since Henry Baker has -- has covered much of
9 what our few concerns about this are, we've
10 lived here 20 years next month. We've had a
11 business in that area for -- for that period.

12 The -- the biggest two concerns that still
13 bother me are the parking; the ratios between
14 the number of spaces for the -- for the
15 number of units, as -- as Mr. Baker outlined.

16 Those of us who ride the Metro certainly
17 find it is at that capacity right now. We're
18 wondering how on Earth this is going to be a
19 functional unit in the future.

20 And then the -- the other aspect
21 being the fortress consideration. We do
22 believe that that 22 feet, which was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 apparently agreed on much earlier, is now
2 shifted to the 18 feet, is an important
3 consideration. And certainly, we would be in
4 favor of the rise in the structure, rather
5 than getting closer to the -- to M Street.
6 Thank you.

7 VICE-CHAIRPERSON HOOD: Okay.
8 Thank you. Colleagues, any questions? No
9 questions. Any cross? Mr. Quin?
10 Commissioner Skolnik? Do you have one?
11 Okay. Can we make a space? Sit by Ms. Fritz
12 down here, Commissioner. There's a space
13 down here by Ms. Fritz.

14 MR. SKOLNIK: I just have two
15 questions for Mr. Brock. Would you agree
16 that the loss of the sidewalk space from 22
17 to 18 feet would impede some retail in terms
18 of outdoor dining and things of that nature?

19 MR. BROCK: I'd agree, but we're
20 also picking that up on our side. We've
21 already agreed to a restaurant with outdoor
22 seating on the Marina View Tower side. So,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 at the corner of M and Sixth, there's going
2 to be an outdoor seating area on our
3 property.

4 MR. SKOLNIK: So, it's somewhat in
5 the nature of competition with traditional
6 outdoor dining?

7 MR. BROCK: I wouldn't say it's
8 competition. I think you can do it on Sixth
9 Street and Fourth Street, if need be.

10 MR. SKOLNIK: Okay. The other
11 question I had was --

12 VICE-CHAIRPERSON HOOD: Let me ask
13 a question. I'm not sure what relevance that
14 has with what we're doing tonight.

15 MR. SKOLNIK: Oh, sure.

16 VICE-CHAIRPERSON HOOD: Okay. I
17 just wanted to let you ask. But I just
18 wanted you to know, let's keep it to where we
19 are tonight.

20 MR. SKOLNIK: Okay. I mean,
21 clarification about his testimony? Or what
22 would be inappropriate?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 VICE-CHAIRPERSON HOOD: About his
2 testimony. Because I didn't -- did you say -
3 - and maybe he did and I missed it. Did you
4 say anything about competition?

5 MR. MORRIS: No.

6 VICE-CHAIRPERSON HOOD: Okay.

7 MR. SKOLNIK: All right. The
8 other question I had was you just mentioned
9 that you did not agree with the flipping of
10 the residential and office. I wonder if
11 you'd sort of expand upon that. What was
12 your reasoning behind that?

13 MR. BROCK: If you go up towards K
14 Street, it seems like a much more residential
15 feeling neighborhood. We, on our side, had
16 contemplated putting in retail up there. We
17 don't think that would work as well, just
18 because it is that residential feel. You
19 really want to cluster your retail and your
20 office into sort of the more busy section. I
21 think that is the M Street side of the
22 project and now sort of the north side, which

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I have the feeling -- which has the feel of
2 much more residential.

3 MR. SKOLNIK: Okay. That's it.
4 Thank you.

5 VICE-CHAIRPERSON HOOD: Thank you.
6 Tiber Island? Mr. Greenburg?

7 MR. GREENBURG: I have one
8 question. Just for the representative from
9 Marina View Towers, I just wanted to see
10 whether or not -- get a clarification. You -
11 - you commented in your testimony that the
12 neighborhood reflected various varying
13 building heights. But isn't it true -- well,
14 how tall is the -- is the -- are the pay
15 buildings at Marine View Towers?

16 MR. BROCK: They're about 88 feet.

17 MR. GREENBURG: And we know that
18 the buildings at -- the high rise at
19 Waterside Mall is 130 feet. Aren't pretty
20 much all of the other buildings in the
21 neighborhood between 90 and 100 feet, and not
22 -- any not varying in height? I mean, wasn't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that, in fact, one of the -- I'm not
2 suggesting whether this is good, bad, or
3 indifferent, but just factually, if you look
4 at the neighborhood, aren't -- isn't every
5 high rise building, with the exception of the
6 pay buildings and the high rises at Waterside
7 Mall, aren't -- isn't every building about
8 the same height?

9 MR. BROCK: Except for, you
10 pointed out for yourself that you have town
11 houses that are two stories going down. What
12 I was referring to is sort of you have these
13 top towers which you can call the 130 foot
14 buildings. You step down towards the two pay
15 buildings, and then towards the water. And
16 then you'll step back up and you'll step down
17 to M Street, and then step down to you guys
18 and then back up.

19 MR. GREENBURG: Okay. Thank you.

20 VICE-CHAIRPERSON HOOD: Okay.
21 Thank you. Thank this panel. I appreciate
22 your testimony.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. SCHELLIN: There's Mr. Baker.
2 He has a question.

3 VICE-CHAIRPERSON HOOD: Oh, I'm
4 sorry, Mr. Baker. Hold tight. I skipped
5 you. I'm sorry.

6 MR. BAKER: I have a question for
7 Mr. Brock. You mentioned that Georgetown as
8 being a model for narrow streets improving
9 retail and shopping situations. To the best
10 of your recollection, the -- what is the
11 average stories height in Georgetown?

12 MR. BROCK: Two or three stories,
13 as far as the town houses go. I was more
14 referring to the width of the sidewalks. I
15 would say it's a little short in Georgetown.

16 But if you have it too wide, you create just
17 a sea of walking and it doesn't encourage
18 people to really go into the store fronts and
19 sort of cluster people on the sidewalks.

20 MR. BAKER: But you admit that
21 Georgetown height is considerably less than
22 what --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. BROCK: Yes. Two -- it's row
2 houses, two or three stories.

3 MR. BAKER: Thank you.

4 VICE-CHAIRPERSON HOOD: Okay.
5 Thank you. Thank this panel. I appreciate
6 your testimony. Okay. Mr. Westbrook,
7 Committee 100, and Ron McBee, ANC-6D03? Is
8 the Commissioner Ron McBee from ANC-6D03
9 present? Okay. If not, anyone else in
10 support? This is all who I have. I'm seeing
11 none.

12 MR. WESTBROOK: You have me in
13 support?

14 MS. SCHELLIN: Yes.

15 MR. WESTBROOK: We've got a little
16 problem with that.

17 VICE-CHAIRPERSON HOOD: Come on to
18 your microphone. And, since you're here,
19 we'll just go ahead because we're getting
20 ready to go. Since you're in between, you
21 can be in between. Because it looks like
22 you're the last person in support or in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 between. Okay. Okay. Anyone else that
2 would like to testify in support? Okay. Mr.
3 Westbrook, turn your microphone on and
4 introduce yourself. There you go.

5 MR. WESTBROOK: I'm Richard
6 Westbrook. I reside at 505 H Street S.W. I
7 am a member of the Committee of 100 and on
8 their Board of Trustees. What I'm about to
9 say has been presented to the Board just
10 yesterday. And they didn't take a -- a stand
11 one way or another. So this is my own
12 testimony and opinion.

13 I first moved into a town house in
14 Capitol Park in 1964, designed by Chlothiel
15 Woodwin Smith, and have been with this
16 project for 42 years, throughout the thick
17 and the thin. I was on the staff of the
18 National Capitol Planning Commission when the
19 existing project was approved. When they
20 changed the two residential towers, the 130
21 feet to office structure with -- with playing
22 the game, saying okay, we're going to put in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 three apartment buildings -- three apartments
2 on the top floor of each of the two towers --

3 VICE-CHAIRPERSON HOOD: Excuse me.

4 Hold the mike for a second, Mr. Westbrook.
5 Hold tight. Now, I'm looking at -- you're
6 giving us a history and I don't want to
7 interrupt. But I want to make sure you get
8 to your testimony.

9 MR. WESTBROOK: Okay.

10 VICE-CHAIRPERSON HOOD: Because
11 I'm looking here. You gave us some history,
12 which I would like to actually hear. Maybe
13 we could do that after the case is over.
14 But, for tonight, I want to make sure you --

15 MR. WESTBROOK: Well, are you
16 going to ask me a question.

17 VICE-CHAIRPERSON HOOD: I want to
18 make sure you get to the point of what your
19 testimony is.

20 MR. WESTBROOK: Yes. Okay. And I
21 must say, I'm about 80 percent for the
22 project. And what I would recommend is the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 two buildings that face on Fourth Street be
2 increased in height. And maybe the -- the
3 footprint be enlarged to the south. But the
4 two office buildings fronting on M Street not
5 be approved. And that you keep that notch
6 open there so that you can put some surface
7 parking, quick turnover surface parking and
8 some more park land, whatever you want to do
9 in -- in design. That's basically -- you
10 would increase the size of the two office
11 buildings.

12 And, keep in mind, this has never
13 been proposed as an office building district.

14 It's always been the shops at town center.
15 And even when they first had that little
16 strip mall when I first moved there, of
17 course that little strip mall is still in the
18 building, as you may know, that they build
19 around it and above it. It's still there,
20 and the bowling alley on -- in the basement's
21 still there, and the place where Louis
22 dwelled is still there. And the Safeway, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 drug store, and the -- the post office -- the
2 structure is still there. People just don't
3 believe that, but it is.

4 You worked in the building, right
5 Mr. Hood?

6 VICE-CHAIRPERSON HOOD: Yes. We
7 can switch places and you can ask me
8 questions. Yes. Yes. I worked in the
9 building.

10 MR. WESTBROOK: Yes, you did.

11 VICE-CHAIRPERSON HOOD: I'm very
12 familiar with the bowling alley.

13 MR. WESTBROOK: Pardon?

14 VICE-CHAIRPERSON HOOD: I'm on
15 your time. I'm very familiar with the
16 bowling alley.

17 MR. WESTBROOK: Good. I never
18 bowled there, but I went down and looked at
19 it. It's strictly storage area now.

20 You know, the -- the problem has
21 been with this M Street frontage and that
22 it's a solid wall, if you're talking about

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 what could be done on the Third Street side
2 of those two buildings, and then what has
3 been approved on the Sixth Street side. So
4 that's why I'm saying keep -- don't permit
5 those two office buildings, but increase the
6 height and the square footage of the existing
7 two. That's about all I have to say.

8 VICE-CHAIRPERSON HOOD: Okay.
9 Thank you, Mr. Westbrook. I have to explain
10 why I let you continue. Because I had a
11 dialogue which took about 30 seconds, so I
12 wanted to let you finish your time.

13 MR. WESTBROOK: Okay.

14 VICE-CHAIRPERSON HOOD: But I do
15 have a question for you, Mr. Westbrook. I
16 know you've been -- I've seen you ever since
17 I've been down here on the Commission. Has
18 that ever been proposed to anyone? I know
19 you're real active in that area, but has that
20 been proposed about increasing the height of
21 the office buildings and take away the ones
22 that sit on Fourth Street? Has that ever

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 been proposed, or is this the first time?

2 MR. WESTBROOK: I think I
3 mentioned it to the Applicant's team one time
4 and when -- when we first did phase -- phase
5 one, I had a group of architects and myself.

6 We worked with Shalom Baranes and met in his
7 office a couple times. And I'm trying to
8 think whether we were still under the opinion
9 there was too much office space and not
10 enough residential. That's my recollection.

11 But what I testified, and I can't remember
12 if I even testified at the -- although, I was
13 the ANC Commissioner for this area for seven
14 terms.

15 VICE-CHAIRPERSON HOOD: Okay.

16 MR. WESTBROOK: Max Skolnik is the
17 current one. So --

18 VICE-CHAIRPERSON HOOD: The reason
19 I'm asking you is --

20 MR. WESTBROOK: I don't -- I don't
21 think it's exactly a total bomb. But --

22 VICE-CHAIRPERSON HOOD: And that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 where I was going with it.

2 MR. WESTBROOK: Yes.

3 VICE-CHAIRPERSON HOOD: Would it
4 be a bomb for the two buildings?

5 MR. WESTBROOK: You'd have to ask
6 them.

7 VICE-CHAIRPERSON HOOD: Okay. And
8 I just wanted you to take that under
9 consideration in your thoughts and your
10 request of asking us to maybe mention that to
11 the Applicant. Would it be a total wash?

12 MR. WESTBROOK: That's my opinion.
13 Now whether they feel that way, I don't
14 know.

15 VICE-CHAIRPERSON HOOD: Okay. All
16 right. Any other questions? Commissioner
17 Turnbull?

18 COMMISSIONER TURNBULL: Mr.
19 Westbrook, thank you for your testimony. I
20 guess my one question is, the Commission is a
21 little bit -- has this angst against surface
22 parking lots, which you mentioned. I think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that's something that was, certainly from our
2 standpoint, is not good urban planning any
3 more; that I understand your point about
4 quick turn around, but our vision is to see
5 parking lots that are more incorporated into
6 the structure of buildings and do not become
7 an object of themselves. I'm just throwing
8 that out.

9 MR. WESTBROOK: Well, there has
10 been proposed street parking on Fourth
11 Street, with I'm assuming meters. So I -- I
12 like to think about over in Pentagon Row,
13 there's a surface parking lot behind the
14 buildings that front on the street that have
15 these one hour free meter. So you go in
16 there, you push the button. You get an hour
17 free, go in Harris Teeter. And, on one strip
18 there, there's like 20 minutes only, because
19 it's a food carry-out place. So the turnover
20 is fantastic. But if there -- if you're
21 there at the height of the shopping time, you
22 usually have to follow somebody around to get

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 a space. Or, if it's on the weekend, you
2 park across the street, Army Navy Drive in
3 the Pentagon Parking Lot, which they let
4 people do on the weekend. Walk across the
5 street.

6 COMMISSIONER TURNBULL: Thank you.

7 MR. WESTBROOK: It's working very
8 well there.

9 VICE-CHAIRPERSON HOOD: Any cross
10 examination, Mr. Quin?

11 MR. QUIN: No cross examination.

12 VICE-CHAIRPERSON HOOD:
13 Commissioner Skolnik?

14 MR. SKOLNIK: No.

15 VICE-CHAIRPERSON HOOD: Mr. Baker?

16 MR. BAKER: No.

17 VICE-CHAIRPERSON HOOD: And Mr.
18 Greenburg?

19 MR. GREENBURG: No questions.

20 VICE-CHAIRPERSON HOOD: Okay.
21 Thank you, very much. I'd like to hear that
22 history sometime.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. WESTBROOK: Well, it only
2 takes 42 years.

3 VICE-CHAIRPERSON HOOD: That way,
4 if I hear it, I won't have to go 42 years.

5 MR. WESTBROOK: There's something
6 about it all the 42 years.

7 VICE-CHAIRPERSON HOOD: I got you.
8 Thank you for your testimony.

9 MR. WESTBROOK: You're welcome.

10 VICE-CHAIRPERSON HOOD: And let me
11 just ask this, were you in support or
12 opposition? You were in support, mainly, but
13 just had some concerns?

14 MR. WESTBROOK: You know, that's a
15 problem with this thing of
16 opponent/proponent. You know, I'm 95 -- well
17 --

18 VICE-CHAIRPERSON HOOD: You said
19 85 percent.

20 MR. WESTBROOK: 85 percent for the
21 project.

22 VICE-CHAIRPERSON HOOD: I got you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. WESTBROOK: And I like the
2 residential increase and turning the two
3 towers back to residential where they were
4 first -- first proposed.

5 VICE-CHAIRPERSON HOOD: You're
6 glad to have those folks from EPA out of
7 there, aren't you? Anyway, let me move on.

8 MR. WESTBROOK: Not really.

9 VICE-CHAIRPERSON HOOD: Okay.

10 MR. WESTBROOK: No. They -- they
11 kept the Safeway humming pretty well.

12 VICE-CHAIRPERSON HOOD: Okay.
13 Thank you. Thank you for your testimony.
14 Okay. Now we're going to persons in
15 opposition. Mr. Solon, and I hope I'm
16 pronouncing that right.

17 MR. SOLON: Solon.

18 VICE-CHAIRPERSON HOOD: Solon,
19 okay.

20 MR. SOLON: Am I the only one?

21 VICE-CHAIRPERSON HOOD: So far.
22 I'm going to call a few more. Kale Anderson?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Kale Anderson? Joan Carmichael? Joan
2 Carmichael? Okay. Now, I think this is Ray
3 Brocap. Ray Brocap from Tiber Island? Okay.
4 Gary Waxman? Okay. Let me try that again.
5 Ray Brocap? Okay. We've got Mr. Waxman.
6 Mason -- I think it's Mason Preddy? The last
7 name is Preddy, P-R-E-D-D-Y? Okay. And Kay
8 Gales? Look at these?

9 MS. SCHELLIN: Giles.

10 VICE-CHAIRPERSON HOOD: Giles.
11 Look at these for me and help me out. Bill
12 Christian? MR. CHRISTIAN: Sir,
13 that's an error. I just thought we were
14 signing in last night.

15 VICE-CHAIRPERSON HOOD: Okay.
16 Same? Oh. So you all are here. You're just
17 not testifying. Okay. So I'm not that bad
18 with the names? Okay. Amy Billingsly?
19 Jonathan Beeten? And Edward Tumor? Is there
20 anyone else? Well, you do have one other
21 person. Is there anyone else in opposition
22 that would like to testify? Please come

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 forward. Anyone else? In opposition, please
2 come forward. And we have four, so I'll call
3 it. So I would ask -- we're going to start
4 with Mr. Solon. And then, after that, Mister
5 --

6 MR. WAXMAN: I have a question
7 before we get started. I wanted to submit
8 something for the record that I wanted the
9 panel to be able to look at as I talked. Can
10 I --

11 VICE-CHAIRPERSON HOOD: Pass it to
12 Ms. Schellin while Mr. Solon is speaking.
13 And we should have it by the time you --
14 hopefully, by the time you start. Okay.

15 MR. WAXMAN: Did you get my copy?

16 MS. SCHELLIN: It's coming. I've
17 got to start the clock.

18 VICE-CHAIRPERSON HOOD: Okay. You
19 can begin. She's going to give it to us.

20 MR. SOLON: I'm Southwest D.C.
21 resident Gene Solon. Last week, a witness
22 was admonished to stay on point. I intend to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 stay exactly on point, the very point
2 contained in the public notice of this
3 hearing, which is the Applicant in Case 0238A
4 is requesting a change in mid-project zoning
5 to C-3-C status, and an increase in building
6 height there. Okay. Fine. But not until we
7 get a lead certified, more aesthetically
8 pleasing quit pro quo. A world class key
9 structure on a world class boulevard.

10 Thanks to the requirement for
11 dialogue between persistent, reasoned,
12 respect deserving members of the community
13 and Government and developers, the
14 Applicant's latest overall plan is a big
15 improvement over the plan the Zoning
16 Commission mistakenly approved years ago.
17 But I refuse to succumb to the dangerous
18 temptations that led others to say that they
19 approve the proposed project when they still
20 have objections to major project features.

21 I state straight out, with no
22 contortions, that at this point, on this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 evening, I strongly oppose granting the
2 request for increased project height. Yes,
3 the latest project proposal comes closer to
4 acceptability; closer but still no cigar.
5 And I congratulate ANC-6D Chairperson Moffet
6 for his lone reasoned, courageous, respect
7 deserving vote against plans he's still not
8 satisfied with. We want development, but we
9 want developers to get it right.

10 For years, our community and its
11 ANC Commissioners have expressed deep
12 dissatisfaction with this proposed project's
13 massive bulk. As you well know, our
14 neighborhood is already fated to suffer a
15 dramatic increase in traffic. And while we
16 welcome development, we don't want it to be
17 too dense, increasing traffic too much.

18 I have created a table; this one,
19 showing that there are over 50 large projects
20 to be built in our ANC area, with an
21 unfavorable residential office ratio that
22 invites exacerbated traffic congestion. We

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 need a humane mellowing of real estate
2 development, not a continued unmitigated
3 sunlight blocking, view blocking, heavy
4 handed crush of real estate development.

5 I ask you not to allow this
6 massive project to become even more massive.

7 Along with a softening of its imposed
8 blockingness, this project needs an overall
9 reduction in bulk. Developers say they want
10 to be good neighbors. The Applicant will
11 indeed be a good neighbor, if it will reduce
12 project scale and raise project quality. I
13 ask you not to allow any project -- any
14 project height increase, unless you get in
15 return lower, greenery capped M Street
16 buildings for better views and a better
17 environment for many occupants of the mid-
18 site buildings, as well as for the rest of
19 us.

20 And too, adequate M Street
21 building set backs, providing a less
22 blocking, more terraced, more interesting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 overall aesthetic. Better street level
2 views, more street level greenery, and wider
3 walkways in front of M Street stores, so that
4 without interfering with near curb pedestrian
5 streams, locals and visitors will be
6 attracted to check out store fronts and
7 stores until they make their final shopping
8 decisions.

9 I invite you to look at the next
10 page of this testimony where there is a
11 depiction of a San Francisco proposed project
12 containing such features.

13 VICE-CHAIRPERSON HOOD: Okay.
14 Thank you, very much. We have your
15 testimony. We'll continue to read it. If I
16 allow you to continue to go on, I'm going to
17 have to allow everybody else. In all
18 fairness, we may have some questions for you.
19 So, if you'll just hold your seat.

20 MR. SOLON: I hope so. Thank you.

21 VICE-CHAIRPERSON HOOD: Okay. No.
22 It wasn't Anderson. Wiseman? Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Waxman. I'm sorry. Mr. Waxman?

2 MR. WAXMAN: Good afternoon. My
3 name is Gary Waxman. I've lived in Tiber
4 Island East, in a few weeks it will have been
5 27 years. And my other qualification for
6 speaking here is unfortunately, I have to say
7 that in the last 15 years, twice within a two
8 block area of the proposed development, I
9 have been stopped at gunpoint by people who
10 unfortunately are still in our neighborhood.

11 And I am very concerned about the safety
12 implications of putting the buildings so
13 close to M Street, particularly with regard
14 to the alley way between this structure and
15 Marina Towers and the alley way on the other
16 side, which I see as a good place for people
17 to hang out to pick off the last person who
18 leaves in the night from the subway or the
19 last person who's leaving from Arena Stage,
20 going to the subway.

21 I feel very strongly about this.
22 And it seems to me that if there were a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 little more maneuverability on the sidewalk
2 by even if it's only three or four feet, that
3 could make the difference between someone's
4 life and death. And -- and I just want you
5 to think about that. And I want the
6 developer to think about that, as you come
7 forward with this proposal, which overall I
8 think will improve the neighborhood.

9 Number two, I have submitted for
10 the record and for your consideration an
11 article by a person who I believe is an
12 authority on the development of Southwest Ian
13 Pei. This was written and compiled in a book
14 put out by the American Institute of
15 Architects, that talks about the development
16 of the city. On page 67, you will see the
17 original plan that provides for M Street that
18 there be a slight set back with some greenery
19 before any buildings.

20 Ian Pei discusses why, in his
21 view, the Southwest Development Plan failed.
22 And the main reason that it failed, if I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 could summarize -- I urge you to read this on
2 your own. It's more towards the latter part
3 of the article. Is because the overall plan
4 was sacrificed for piecemeal development,
5 each development of which done well
6 intentionally by an individual developer, but
7 it didn't fit into the overall plan.

8 It seems to me, the best way to
9 come up with an overall plan here, from what
10 I've heard at today and in the last week's
11 hearing, would be to reduce the height of the
12 buildings immediately adjoining M Street, so
13 that instead of facing a fortress as you
14 cross the street, where you're much higher
15 than anything else in the neighborhood coming
16 from the south, you have something that's
17 more sloping and integrated into the
18 community.

19 Number two, I -- I applaud what
20 they've done to sort of engineer Fourth
21 Street around the subway. But it seems to me
22 that, if the structure on the east side of M

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Street were set back a little more and there
2 could be more of a commanding view, as you
3 look up the street, we would all be better
4 off and ultimately, the developer would have
5 a more valuable project.

6 VICE-CHAIRPERSON HOOD: Okay.
7 Thank you, very much. You can just hold your
8 seat. Next. If you could introduce
9 yourself. I don't think you were on my list.

10 MS. MASTERSON: Hi. I'm Nancy
11 Masterson. I live at 600 Water Street, SW.
12 It's on the liver board at the Gangplank
13 Marina. And that's my shopping area over
14 there. I'm opposed to the development
15 because it's not fully lead certified.

16 As Mr. Turnbull expressed the
17 other night that he thought they should do
18 better with their air conditioning units at
19 the top of the building. And we can also
20 talk about not having lead certification on
21 the residential building at all. We don't
22 have any certification. They're at the, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 believe they said, the 21 point objective.
2 And we're supposed to be 26-32, to even be
3 certified. And I don't see any reason at all
4 why they can't do something about that.

5 The architect said he had to
6 convince the developers to spend more money
7 to have that terra cotta look. And they can
8 spend more money on having a lead certified
9 building. We need energy conservation.
10 We're on the river. We need to do whatever
11 we can in order to protect our environment.
12 And they're not doing it. They're not even
13 making an attempt to do it.

14 The Anacostia Waterfront
15 Corporation, which obviously I guess they're
16 defunct, but whatever, just the other night
17 they passed their final environmental
18 standards. And they state that all non-
19 residential buildings constructed on AWC land
20 or financed by AWC must be verified by a
21 third party as having fulfilled or exceeded
22 the requirements of the Lead Program at the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 gold level. All residential buildings must
2 be verified by a third party as having
3 fulfilled or exceeded the requirements of the
4 Lead Program at the silver level.

5 So we're talking about certified
6 as 26-32 points, silver 32-38, gold 39-51,
7 and platinum 52-69. In addition, just to say
8 a certified building, according to Inner
9 Mobile Corporation, which is a consultant on
10 Lead Certification, and I thought we were
11 supposed to have a Lead Certified person here
12 to discuss stuff, that's what I heard
13 somewhere along the line -- there was a Lead
14 Certified what you may call it -- expert,
15 that you have a Lead rating at certified, it
16 will get you your payback in under three
17 years.

18 So I don't know -- I -- that's --
19 that's why I'm opposed to it. Because they
20 have done absolutely nothing to guarantee any
21 kind of Lead Certification. And I don't
22 think, as the capitol of the United States,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that we need to be less than green. The end.

2 VICE-CHAIRPERSON HOOD: All right.

3 Thank you for your testimony. Any questions
4 of this panel? No questions? Let me just
5 say this, Ms. Masterson, you mentioned
6 admonished. We don't admonish anybody down
7 here. We just try to keep everybody on
8 point. I just want to -- hopefully, that
9 didn't come off that way, because that was
10 definitely not how we proceed.

11 The other question I had for you
12 --

13 MR. SOLON: Instructed, whatever.

14 VICE-CHAIRPERSON HOOD: Yes. That
15 sounds nice, because we're not admonishing
16 anybody. We're just trying to keep everybody
17 on point.

18 MR. SOLON: Well, that's what I
19 mean, of course.

20 VICE-CHAIRPERSON HOOD: Admonished
21 sounds harsh. And I hope I didn't do it.
22 Maybe Commissioner Parsons was.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. SOLON: It must have been.

2 VICE-CHAIRPERSON HOOD: The other
3 thing is, I remember you testifying three
4 years ago -- four years ago. I remember you.

5 And I wanted to ask you this. You saw some
6 headway.

7 MR. SOLON: Yes, indeed.

8 VICE-CHAIRPERSON HOOD: And I
9 think you're taking -- well, at least the way
10 I interpreted it was you're taking a harsh
11 stance that, even though you've made
12 progress, we're not there yet. But I also
13 look and I see --

14 MR. SOLON: We're closer, but no
15 cigar yet.

16 VICE-CHAIRPERSON HOOD: Okay.
17 That's it. But also I see let's get it
18 right. Now I've seen some other people
19 who've said let's get it right who were in
20 support. So I'm just trying to get the
21 message.

22 MR. SOLON: Commissioner, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 purposely included the following sentence in
2 my testimony.

3 VICE-CHAIRPERSON HOOD: Okay.

4 MR. SOLON: That is, that I refuse
5 to succumb to the temptations that led other
6 -- and I don't know what they are, but they
7 led others to say that they approve or
8 support the project, when as you heard, they
9 still have objections to major project
10 features.

11 Now, I'd rather be more straight
12 ahead and say until the project changes so
13 that it's a good project, likeable,
14 satisfactory with shorter buildings on M
15 Street, terraced buildings on M Street, with
16 greenery on the terraces, I must object to
17 increasing height anywhere on the premises.

18 Now, if the project is terraced
19 and made more aesthetic and becomes overall
20 more soft and achieves the quality that M
21 Street, which is I hope going to become a
22 world class boulevard, that M Street

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 deserves, then I would say yes, increase the
2 mid-project height. That's fine. Because
3 that's in keeping with the terraced contour;
4 the terracing concept. Yes, I would approve
5 changing the zoning to C-3-C. But, as I say,
6 not until you get some real changes in -- in
7 the building contours and, bottom line,
8 reduce the overall bulk of the building.

9 I don't see why it's necessary to
10 say given to current FAR, given the current
11 bulk, you have to increase the heights of the
12 building. Look, if you set back buildings,
13 as some of the witnesses want, and increase
14 their height, you're nullifying the effect of
15 the set back. Because, as much sky is cut
16 off by higher buildings, further back, then
17 lower buildings up closer to the front. So
18 all of that doesn't make sense to me, I must
19 confess. And I would like terracing up to a
20 higher height, a C-3-C height in mid-project.

21 VICE-CHAIRPERSON HOOD: Okay.
22 Thank you, very much. The other thing is,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and we're also joined by the Office of
2 Planning that suggested it, Mr. Waxman, I
3 understand your concern and I appreciate your
4 raising that. But I do notice Diane Grooms,
5 who I know and is well respected, who's not a
6 Commander -- I believe she's still a
7 Commander, at least she was May 3rd -- who
8 apparently Metropolitan's Police Department
9 endorsed the project. Am I correct, Mr.
10 Jesick? Anyway, in the letter in the report,
11 it talks about -- she had some concerns and
12 we'll flesh those out, I think, when we
13 deliberate. But Mr. Waxman, I thank you for
14 bringing up that concern, because that is a
15 concern. But I think that goes back to an
16 issue that Mr. Parsons spoke about, and that
17 was lighting. While I know that won't solve
18 it, that may help it, depending upon what
19 happens. But thank you for bringing to our
20 attention.

21 MR. WAXMAN: I agree, but can I
22 just mention one thing?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 VICE-CHAIRPERSON HOOD: Sure.

2 MR. WAXMAN: It seems to me, if I
3 could speak freely, that the let's get it
4 right slogan is something that everyone in
5 this room, the Board, the developer, the
6 supporters, the opponents can all agree to.
7 In terms of what we're trying to achieve for
8 the neighborhood and for the city and for the
9 profitability of the enterprise, so that it
10 should succeed. It seems to me, in
11 listening, that the decision for you is to
12 decide whether this is just a typical
13 development and therefore, because it's near
14 a Metro, we need more density and more
15 whatever it is that has been proposed, which
16 is very nice aesthetically, in many respects,
17 as Mr. Parsons has pointed out. Or whether
18 we need to go back to the original concept
19 that this is really a town center and needs
20 to be more integrated into the neighborhood.

21
22 And if you look at it from that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 perspective, one thing that Ian Pei said in
2 this article, I think, is very relevant. It
3 was a Supreme Court decision that he talks
4 about on page 68. In 1954, specific to this
5 parcel, in which the Court, in a historic
6 decision, said that the spiritual and
7 aesthetic values were as significant for the
8 public welfare as the usual considerations
9 for a plan like the Southwest Plan. And
10 that's why they allowed the condemnation of
11 so many -- so much land.

12 And it seems to me that the real
13 question before you is, using your judgment
14 and your experience, are some of the concerns
15 that we've raised, relevant to help you work
16 things out so that we do get a better project
17 for everybody.

18 VICE-CHAIRPERSON HOOD: Thank you
19 for that clarification. I appreciate it.
20 Any other questions, colleagues? Any cross
21 examination Mr. Quin?

22 MR. QUIN: No cross examination.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 VICE-CHAIRPERSON HOOD:
2 Commissioner Skolnik?

3 MR. SKOLNIK: Pass.

4 VICE-CHAIRPERSON HOOD: Mr. Baker?

5 MR. BAKER: I have a question for
6 Mr. Solon.

7 VICE-CHAIRPERSON HOOD: Just hit
8 your mike. Yes. There it is.

9 MR. BAKER: Question for Mr.
10 Solon. You suggest tiered buildings on M
11 Street, which I think is a great creative
12 option for that solution. Would you not -- I
13 don't understand, though. Would you -- would
14 you accept those tiered buildings to go
15 higher in space as they went back, to get the
16 extra space up there?

17 MR. SOLON: No, Mr. Baker. I
18 specifically suggested --

19 MS. SCHELLIN: We can't hear you.

20 MR. SOLON: I specifically stated
21 that what I would like to see on M Street is
22 lower buildings with greeneried roofs and, if

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 you look at the picture, with interesting --
2 that interesting kind of indentation and a --
3 a -- a modification of corners, the
4 indentation to allow people to mill around
5 store fronts until they chose which store to
6 shop at and still allow a stream of
7 pedestrians going north/south -- I mean
8 east/west. Right? So that the millers
9 around don't interfere with the fast walkers
10 home from work or whatever.

11 I think that drawing shows the
12 right kind of indentation, creating the right
13 kind of aesthetic interest, to boot. And
14 look at the lower frontage buildings there.

15 MR. BAKER: Yes.

16 MR. SOLON: And look at the trees
17 planted on top of that lower to be, in this
18 case, M Street building. So you have greater
19 interest. You have more greenery. You have
20 better views. You have a more neighborhood
21 friendly architecture in general.

22 MR. BAKER: Thank you, sir. And I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have one question for Mr. Waxman. You
2 mentioned the Ian Pei plan of having curb and
3 then greenery? Is that correct?

4 MR. WAXMAN: Yes. Yes. I'm
5 sorry. I gave it to them, but I didn't give
6 it to you. There's a little greenery in the
7 plan; a little strip.

8 MR. WAXMAN: What was the width of
9 that, approximately?

10 MR. BAKER: I can't tell, but
11 certainly much less than the width of the
12 parking currently. And that plan has changed
13 in many ways. But the idea was that there
14 would be some set back on each side of the
15 street.

16 MR. WAXMAN: Okay.

17 MR. BAKER: A very modest one on
18 the north side, more pronounced on the south
19 side, the way I see these maps.

20 MR. WAXMAN: Very good. Thank
21 you, sir.

22 VICE-CHAIRPERSON HOOD: Mr.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Greenburg?

2 MR. GREENBURG: Tiber Island has
3 no cross.

4 VICE-CHAIRPERSON HOOD: Okay. Mr.
5 McGovern?

6 MR. McGOVERN: No questions.

7 VICE-CHAIRPERSON HOOD: Okay.
8 Thank you. All right. I guess now we ask
9 the Applicant to come back.

10 MR. QUIN: Mr. Chairman, could we
11 have about 30 seconds, just to make sure that
12 we are proceeding?

13 VICE-CHAIRPERSON HOOD: Sure. You
14 can have five minutes, if you need it.

15 MR. QUIN: No. I don't think so.

16 VICE-CHAIRPERSON HOOD: Okay.

17 COMMISSIONER PARSONS: Mr.
18 Chairman, while he's warming up, I'd like to
19 ask the Office of Planning, Mr. Jesick,
20 you've heard a lot of discussion tonight
21 about the fact that you or your office is at
22 fault here for urging taller buildings and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 narrower sidewalks. Do you have any comment
2 on that?

3 MR. JESICK: As the Commission
4 knows, there's a long history to this project
5 and, in fact, a previous version was approved
6 by the Commission in 2003. I believe that
7 design did have wider sidewalks. We, in our
8 discussions with the Applicant and the
9 community, we heard that the width of the
10 sidewalk was a concern of the neighbors. We
11 did not express a strong opinion one way or
12 the other, whether the buildings should match
13 any adjacent buildings or whether they be set
14 back further. We do not object to the
15 current sidewalk width. We feel that that is
16 adequate for street retail, as well as
17 landscaping. We also feel that that width
18 contributes to the other public places that
19 are located interior to the project but are
20 also, again, publicly accessible.

21 We also did discuss the amount of
22 parking on the property with one of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 neighborhood groups. And I believe there may
2 have been a miscommunication. We did not
3 require a 0.8 parking ratio on other
4 projects. That was a ratio that developers
5 have felt was appropriate for their location,
6 relative to Metro stops or other
7 transportation options.

8 In this case, the Applicant has
9 stated that they'll provide at least the
10 minimum number of parking spaces required by
11 the Zoning Regulations and they asked for
12 flexibility to provide more in the future.
13 And we felt that that was appropriate. So I
14 hope that addresses your question. But I'm
15 happy to take your questions.

16 COMMISSIONER PARSONS: Talk a
17 little bit more about building heights on M
18 Street? The notion of raising the building
19 heights so as to narrow the width of the
20 buildings, horizontally.

21 MR. JESICK: I think we would be
22 willing to consider whatever options the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Applicant and the community feel are
2 appropriate for this site. I believe, in the
3 past, it has been the Commission's decisions
4 on other projects that 130 feet would not be
5 appropriate in this neighborhood. You know,
6 there may be other considerations, as well,
7 whether a certain floor plate is necessary
8 for office uses or, you know, if a smaller
9 floor plate may function not quite as well
10 for office users.

11 But we would look at whatever
12 plans the community and the Applicant feel
13 they may want to bring forward.

14 COMMISSIONER PARSONS: Okay.
15 Thank you.

16 MR. WAXMAN: Mr. Chairman, I
17 answered a question wrong. In the -- in the
18 original design, the set back north of M
19 Street is actually larger than the set back
20 south. I just wanted to clarify that for the
21 record.

22 VICE-CHAIRPERSON HOOD: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Thank you. We'll make sure the record's
2 correct. Is there anyone else in opposition?

3 Okay. We're going to begin with you. Then
4 we'll go to Commissioner McBee. Can you give
5 us your name and address?

6 MR. PREDDY: Sure. Dear members
7 of the Zoning Commission. My name is W.
8 Mason Preddy and I live at 490 M Street SW,
9 Unit 602 West, in the Tiber Island
10 Cooperative Housing Complex. I vehemently
11 oppose allowing these buildings to be build
12 any higher than what you've already allowed.

13 On September 21, 2006, when I
14 first learned at a Southwest Neighborhood
15 Assembly meeting, the plans to make these
16 buildings even taller, I brought up a concern
17 that these new proposed heights would block
18 not only my view, but other condominium's
19 views of the Capitol Dome.

20 Mr. Shalom Baranes from Shalom
21 Baranes Associates arrogantly replied to me,
22 "That is what happens to views. They go

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 away." I have since tried to e-mail and
2 telephone Mr. Baranes to discuss this and he
3 has flat out consistently ignored me. In
4 fact, I have found through this process that
5 the developer and their entire team have been
6 very arrogant and have often talked down to
7 the citizens and citizen groups of Southwest.

8 Blocking my view will no doubt
9 diminish mine and others' property value.
10 The city has been made famous as a result of
11 special laws protecting monuments, memorials,
12 and great buildings that make up the District
13 of Columbia. I do not feel that this project
14 warrants any more special considerations.
15 You've already granted them other special
16 zoning exceptions. It's time for this
17 developer to stop asking for the keys to
18 Southwest and move on with their project with
19 what they have once and for all. Thank you
20 for your time. I appreciate your
21 consideration.

22 VICE-CHAIRPERSON HOOD: Thank you,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Mr. Preddy. Commissioner McBee?

2 MR. McBEE: Thank you.

3 VICE-CHAIRPERSON HOOD: Hold your
4 seat. Hold your seat. You can begin.

5 MR. McBEE: Thank you, very much.

6 I appreciate you allowing me to testify. My
7 name is Ron McBee. I am the new ANC
8 Commissioner for 6D-03, that includes the
9 eastern half of Lot 89 in Square 542, known
10 as 401 M Street SW. I'm here to testify in
11 support for the case, as an individual
12 Commissioner, not for the ANC-6D, which you
13 have already heard today.

14 I have -- a critical component for
15 this project is the residential housing. It
16 provides the ingredient to establish and
17 insure the local retail element that has so
18 long been missing from our Southwest
19 community. It also provides a local ambience
20 that is needed to reestablish this area as
21 the heart of our community, both a.m., and
22 p.m.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Commercial or office space has
2 proven inadequate, as experienced by the
3 occupation of the Southwest Waterfront Mall
4 by the U.S. Environmental Protection Agency.

5 To sustain these vital retail services and
6 hours that our community would like to have,
7 we need to insure that we have this
8 residential component. The exodus each day
9 left a tremendous void from our office space
10 that was occupied there by the EPA, that left
11 a solid and thunderous reverberating thud.

12 The project offers an opportunity
13 to reestablish local retail along Fourth and
14 M Street SW, the main street and nexus point
15 for the community that has been missing for
16 over 30 plus years. I and others are
17 encouraged with the language to keep and
18 maintain a full service grocery store. We
19 hope to hear an announcement soon on that
20 front, that the deal is done.

21 Tied to the residential housing in
22 this development is the Land Disposition

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Agreement between Waterfront Associates LLC
2 and RLA Revitalization Corporation, that
3 includes such community benefits as
4 affordable housing, work force training,
5 LSDBE opportunities, and local business
6 entrepreneur development for retail space.

7 I'm very pleased with the
8 additional traffic calming efforts that
9 Waterfront Associates announced at the June
10 7th hearing recently here, regarding the new
11 Fourth Street cut -- for the new Forth Street
12 cut-through. Specifically, an additional
13 traffic light at the Metro entrance and the
14 differentiation of the courtyard area with
15 the stone finish to separate the surface from
16 the Fourth Street surface. I am hopeful, in
17 talking with the DDOT representative, that we
18 will also get the pedestrian walks on both
19 the east and west sides of M Street.
20 Currently, this is only on the east side
21 pedestrian walk configured. But you would
22 never know it from those venturing across on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the west side.

2 Many of my constituents on the
3 northern side of the property are concerned
4 about egress and safety from the Waterfront
5 SAU Metro Station during the first
6 construction phase that we're discussing
7 here. Some discussions have been occurring
8 with Tommy Wells' office about -- who is our
9 Ward Six Council Member, about a bus as a
10 possible interim solution. No decisions have
11 been reached.

12 This issue has been a focal point
13 for our PSA-104 and the Southwest Action
14 Team. I know this is a concern of Waterfront
15 Associates, as we have spoken and they have
16 as well, discussed with the Metropolitan
17 Police Department.

18 VICE-CHAIRPERSON HOOD:
19 Commissioner. Commissioner, I'm going to
20 need your closing thoughts.

21 MR. McBEE: I'm closing. Very
22 much. I have had many discussions with the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 residents concerned about the rodent
2 explosion that accompanied the Metro Station
3 construction. Tommy Wells' office has asked
4 for additional funds, which I understand is
5 set aside for the 2008 fiscal budget, to
6 address this impending nuisance and health
7 issue for our community.

8 I look forward to continuing in a
9 working relationship and regular meetings
10 with the Waterfront Associates in a
11 meaningful dialogue as a member of our near
12 Southeast/Southwest community. I hope, with
13 the demolition of the existing main
14 structure, we have a community celebration.
15 I hope we can have the community courtyard
16 space named after one of our most revered
17 residents, Thurgood Marshall. I appreciate
18 your consideration. Thank you.

19 VICE-CHAIRPERSON HOOD: Good.
20 Thank you. Any questions for this panel? No
21 questions? Any cross examination, Mr. Quin?

22 MR. QUIN: No, sir.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 VICE-CHAIRPERSON HOOD:
2 Commissioner Skolnik?

3 MR. SKOLNIK: None.

4 VICE-CHAIRPERSON HOOD: Mr. Baker?

5 MR. BAKER: No questions.

6 VICE-CHAIRPERSON HOOD: And Mr.
7 McGovern of Tiber Island?

8 MR. MCGOVERN: No, sir.

9 VICE-CHAIRPERSON HOOD: Okay.
10 Thank you. All right. Thank you both for
11 your testimony. Mr. Quin, if we can do the
12 rebuttal, possible, and the closing remarks?
13 Try to keep it on time, Mr. Quin.

14 MR. QUIN: Mr. Chairman, we expect
15 to be finished in five minutes.

16 VICE-CHAIRPERSON HOOD: Oh, okay.

17 MR. QUIN: Is that short enough?

18 VICE-CHAIRPERSON HOOD: Have you
19 got an event? Do you want to invite the rest
20 of us?

21 MR. QUIN: Our closing will be
22 just a brief statement on three areas of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 discussion by Mr. Baranes, and then I have
2 just a very short closing statement. Mr.
3 Baranes, just to indicate to the
4 Commissioners how many times and how often
5 this has been before the neighbors and the
6 seeking of input, how many times have you,
7 yourself, been part of presentations to the
8 neighborhood?

9 MR. BARANES: I've attended about
10 two dozen community meetings on this project,
11 approximately. And I think there have been
12 probably about twice as many meetings as that
13 that our client has participated in.

14 MR. QUIN: Thank you. There has
15 been a lot of discussion about M Street and
16 the flexibility or non-flexibility in dealing
17 with the height of the buildings. And that
18 would also relate to set backs, perhaps, but
19 at least dealing with the heights and the
20 narrowing of buildings. This is a stage one
21 approval for that. And you would still be
22 coming back for the second stage, would you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 not?

2 MR. BARANES: That's correct. We
3 will be.

4 MR. QUIN: And would you be able
5 to consider and would the client be able to
6 consider options for height changes?

7 MR. BARANES: Yes. I mean, we do
8 have some flexibility there. And, I mean, as
9 a matter of fact, prior to filing our stage
10 one design with the Commission years ago, we
11 had some early sketches that we shared with
12 OP at staff meetings, I think this is prior
13 to Mr. Jesick's tenure with OP, where we
14 initially went in with buildings that were
15 taller than what we currently have on those
16 corners. We were at 120 feet at the time.
17 And we were asked to reduce the heights. And
18 we did. We responded to that, and then filed
19 our stage one at 112 feet instead of 120.

20 Now we're currently at 114. We
21 added the two feet for the retail, as you
22 recall, on those corner buildings. And, if

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the Commission so desires, I mean, we would
2 certainly be willing to look at adding a
3 floor to those buildings, going from 114 to
4 about 125. That would give us the additional
5 floor, keeping the density constant, keeping
6 a continuous wall of retail along M Street
7 for the first floor probably; maybe the
8 second. I don't know. And essentially, be
9 able to open up not the area which is
10 currently the part of the right-of-way along
11 Fourth Street, but the opposite two corners.

12 I think if we were to reduce the width of
13 the buildings along M Street, I would be
14 inclined to shorten -- to add some open space
15 on the east side and the west side. In other
16 words, close to where the two 130 foot towers
17 are. I think that would be a more
18 appropriate place to introduce some open
19 space, than along the Fourth Street right-of-
20 way.

21 We had not studied this
22 extensively, but that currently, that would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 be my inclination.

2 MR. QUIN: So we would like to get
3 the flexibility of the Commission to explore
4 that. And we'd put that in our draft order.

5 VICE-CHAIRPERSON HOOD: Let me
6 just say, that would be good. But also, I
7 would like to see something in this fashion.
8 Because what you're talking about, the east
9 and west tower, I really don't see how that's
10 available. But I would really like to see
11 it. I need to see it.

12 MR. QUIN: Understood.

13 VICE-CHAIRPERSON HOOD: Because
14 you've still got the east and west tower
15 there. They're not moving.

16 MR. QUIN: Right.

17 VICE-CHAIRPERSON HOOD: And, like
18 I said, I use -- well, I know about the east
19 and west towers. You're talking about taking
20 the height up and bringing it in some, or you
21 want to look at that. But I still don't see
22 how that view's going to open up when you've

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 got the east and west towers. But I would be
2 interested in seeing something of this type.

3 MR. QUIN: Would we be allowed to
4 submit a sketch tonight at this hearing?

5 VICE-CHAIRPERSON HOOD: Oh, so you
6 already have one?

7 MR. QUIN: We have studied this in
8 the past, yes. And we've never received
9 encouragement. We've always been concerned
10 about not being able to get approval for
11 taller buildings there. And so, although
12 we've studied it, we've never submitted
13 formally to the Commission.

14 VICE-CHAIRPERSON HOOD: I wouldn't
15 -- unless my colleagues have a problem, I
16 wouldn't. Commissioner Turnbull?

17 COMMISSIONER TURNBULL: Yes.
18 Chairman Hood, are you talking about the east
19 and west buildings on Fourth Street? I think
20 they're talking about the east and west
21 buildings on M Street.

22 MR. QUIN: Yes. That's correct.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 On M Street.

2 VICE-CHAIRPERSON HOOD: Oh, you're
3 talking about M Street. I'm talking about
4 the old east and west towers. Okay. So
5 you're talking about on Forth Street.

6 MR. QUIN: Well, unless I
7 misunderstood, I believe that most of the
8 testimony here from the community has been
9 about the two buildings on M Street,
10 shortening those and adding height to them.
11 That's been the -- there was, I think, one
12 individual who might have suggested --

13 VICE-CHAIRPERSON HOOD: I thought
14 it was all around the project. But, okay.
15 That would be fine. Fourth Street. You're
16 right. Now that I recall, you're correct.
17 It's Fourth Street, if you already have it.
18 But one thing concerns me, though. Other
19 people in the community have not commented on
20 it. But I guess we can look at it. I just
21 want to know what the review process, and I'm
22 sorry Mr. Mercy is not here, the review

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 process.

2 MS. SCHELLIN: Well, I think, if
3 they file, if we give them a week, then we
4 can allow the parties a week to respond.

5 VICE-CHAIRPERSON HOOD: The ANC to
6 --

7 MR. QUIN: I'm not sure that we
8 even need that. This is a set -- this is --
9 we would have to come back for second stage
10 anyway.

11 VICE-CHAIRPERSON HOOD: Anyway.

12 MR. QUIN: And I think all we're
13 saying is can we have the flexibility, which
14 you can grant at any time.

15 MR. BARANES: Yes. That would be
16 the more appropriate approach.

17 MR. QUIN: And we don't need to
18 even file a plan. Obviously, when we come
19 back we would have the flexibility to explore
20 that. That's all we're asking.

21 VICE-CHAIRPERSON HOOD: So, we
22 would be able to review that when you come

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 back for your second stage?

2 MR. QUIN: That's correct. And
3 that would go to the community as an option.

4 VICE-CHAIRPERSON HOOD: Okay.
5 That's my whole thing. I want to make sure
6 it's vetted through the community.

7 COMMISSIONER TURNBULL: The one
8 other comment that was raised was the
9 possibility or the concept, the design idea
10 of terracing on M Street, whether there's a
11 set back or a step. And I don't -- again,
12 that's -- I don't know what -- how, if you
13 looked at that previously or what.

14 MR. BARANES: Well, yes we have,
15 and we would expect, even with our current
16 design, to introduce some stepping in the
17 buildings. We've left just a little bit of
18 extra space in the volume that we've been
19 showing that would allow a little bit of
20 stepping.

21 COMMISSIONER TURNBULL: Okay.

22 MR. BARANES: And if we were

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 allowed to go taller, we could introduce --
2 we could increase the stepping.

3 COMMISSIONER TURNBULL: And go
4 green?

5 MR. BARANES: And go green.

6 COMMISSIONER TURNBULL: Okay.

7 MR. QUIN: I would like to proceed
8 then with the final questions, if I could,
9 Mr. Baranes. There's been a lot of
10 discussion about the compatibility of the
11 designed open space and how the building is
12 an integral part of the community. And if
13 you could address that, as well as the retail
14 compatibility and sidewalk widths.

15 MR. BARANES: Sure. You know,
16 we've really tried very hard here to strike a
17 balance between the private needs of the
18 tenants and the residents of this site, of
19 these new buildings, as well as the -- the
20 need to relate and tie into the rest of the
21 community. And we're very aware of the fact
22 that this whole Southwest area may be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 declared an Historic District in the future.

2 There seems to be a very strong movement in
3 that direction. And, because of that, we
4 have had several meetings with the staff of
5 the HPRB, Historic Preservation Review Board,
6 David Malone, specifically, part of OP, to
7 make sure that, you know, we did get their
8 input along the way. We didn't want to be in
9 a situation where the -- we would be
10 proposing something, we would be in the midst
11 of a review process here, and then the
12 neighborhood were declared historic and then
13 have to start over. So we were very
14 concerned, as he was, about -- that whatever
15 we did here be very compatible with the
16 historic character that might be formalized
17 in the future of Southwest.

18 And, you know, we've made changes
19 to the plan over time, as a result of those
20 meetings. And we believe that we are very
21 much in conformance with the character of
22 Southwest -- the historic character of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Southwest. When you look at this property
2 compared to other similar sites in the
3 downtown, I think you'll find that we have a
4 significant amount of open space, compared to
5 any other block in the city. Our lot
6 occupancy is at about 58 percent. And the
7 lot occupancy that's allowed, for example, in
8 this area around us in the C-4 District for
9 commercial buildings is 100 percent. Of
10 course, you know, you have to deduct the rear
11 yard in some instances, or courtyard. But
12 nevertheless, even when you do that, you're
13 typically at about 90 percent.

14 So, when you think about the
15 standard commercial district in this city
16 being built out to, you know, roughly 90
17 percent lot occupancy, and you compare that
18 to our 58 percent, that would suggest a very
19 significant difference in character to me, as
20 an architect.

21 And, you know, I know there's been
22 a real interest on the part of the community

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to have access to most of the -- to all of
2 the open spaces that we're creating on the
3 site. And I can sympathize with that. And
4 we've tried very hard to give the public
5 access to as much of the site as possible.
6 You have to understand that, for example, on
7 the west side where we have a courtyard for
8 the residents, that that courtyard really is
9 the roof of a building. It's the roof, we
10 hope, of a future grocery store. And it
11 would be very difficult to allow open access
12 to the public to the roof of a building, for
13 many different reasons. So we have
14 restricted access to that particular
15 courtyard to the residents of the project.

16 On the east side, we have -- you
17 know, we actually struggled with what to do
18 with the base of that 130 foot tower. It's
19 very difficult to put residential units in
20 the base of a building like that, where one
21 side faces an alley, a service alley
22 essentially. That's that north/south alley.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 And then, the other side faces an office
2 building. And by creating that open space,
3 and it really is pretty much the only open
4 space we have that is dedicated to the
5 tenants of the building, to which the public
6 does not have access. But, by creating that
7 restricted -- by creating that courtyard with
8 restricted access, you know, we've been able
9 to provide some outdoor space to the
10 residents of the project; some private yards
11 as well as some outdoor, more functional
12 spaces that can be used by all of the
13 residents.

14 And also, in terms of the public,
15 we've essentially created three plazas on our
16 property here. Of course, in addition to
17 opening up Fourth Street, we have the plaza
18 that's adjacent to the Metro Stop and I feel
19 that it's large enough to accommodate most of
20 the kinds of community events one would
21 expect to see in this area. I would worry
22 about making it any larger, as has been

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 suggested a couple of times tonight. I think
2 these spaces sometimes can get too large and
3 feel quite foreign and not feel very
4 inviting. The other two courtyards we
5 created, of course, are directly behind the
6 two M Street office buildings. Those are
7 both accessible to the public. And, in
8 instances where there are community events,
9 those can be, as we've stated in the past, be
10 cordoned off and be used strictly for
11 pedestrians. So we can accommodate very
12 large community events in this area.

13 Now, we've created these large
14 open spaces because, again, that is in
15 keeping with the character of Southwest. To
16 balance that, you know, while doing that,
17 we've also been challenged with this need to
18 create a successful retail environment, which
19 requires the exact opposite. You know,
20 retail typically just does not work on large
21 open plazas. Retail requires continuity. It
22 requires sidewalks. Preferably, it requires

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 retail space of two sides of the street, not
2 one side. But we've done everything that I
3 believe is possible on this site to make
4 retail work, by creating continuity and
5 having it move around corners and, where
6 possible, create it on both sides of the
7 street. We've also designed the retail and
8 the sidewalks facing it in a way that we have
9 the flexibility to put outdoor dining almost
10 anywhere.

11 I think one of the most successful
12 retail developments in this region over the
13 last 20 years is not in Washington, D.C., but
14 in the suburbs, ironically. It's in
15 Bethesda. I think it's probably worked
16 better than many of the other ones we've
17 seen. And when you look at the sidewalks
18 there, they're only 17 feet to 18 feet wide.

19 And they do allow for outdoor dining. They
20 do allow for passage. And we have worked
21 extensively with the designers -- with the
22 designers, both the retail designers, as well

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 as the urban landscape designers of that
2 project on three or four other projects. And
3 we find that, as architects, we're always
4 trying to make the sidewalks too wide and the
5 plazas too big. And we're constantly being
6 pulled back. We're constantly being told to
7 make the sidewalks narrower, to make the
8 retail work. We're constantly being told to
9 make the plazas a little smaller.

10 At the old Convention Center site
11 downtown, where we're putting in about over
12 350,000 square feet of retail, we were -- we
13 started out with 36 foot wide mid-block
14 pedestrian alley ways. And the retail
15 experts involved with the project actually
16 pushed us to reduce that to 24 feet. So to
17 make retail work, having narrow spaces on the
18 outside, trying to create an intensity of
19 activity, is really the right thing to do.
20 And I believe we've struck a pretty good
21 balance here in doing that.

22 And also, just in closing, I would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 say just one last thing. One of the things
2 that I think will make this an historic
3 district, if in fact it is designated an
4 historic district, is the fact that back when
5 this project was designed, it represented a
6 wonderful spirit of modernity. It was a real
7 -- there was something about it that was very
8 much of its time. It was cutting edge. Part
9 of it didn't work. And the part that didn't
10 work was the town center. And that's why,
11 you know, it's been redesigned so many times.

12 But the parts that did work, I mean, they're
13 wonderful; they're the residential parts.
14 And we really are trying very hard to build
15 on that spirit of modernity by designing
16 buildings for this site that are not
17 buildings that you would see anywhere else in
18 Washington. You know, the terra cotta
19 material, the metal, the glass, the window
20 wall, the curtain wall that we're using, the
21 combination of materials, the forms of these
22 buildings are not buildings that we would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 design for any other block of downtown
2 Washington. These buildings really are very
3 much of Southwest. And I hope that's evident
4 in the -- in the renderings that we've
5 submitted to you. Thank you.

6 MR. QUIN: Chairman and members of
7 the Commission, I'm going to waive a real
8 closing statement. But basically say that we
9 rely upon our testimony and our exhibits and
10 what we've said for and what you've heard
11 from the ANC and the people here tonight. We
12 think we have a terrific example of what a
13 PUD can do and what it can do for a
14 neighborhood. And we would just ask that you
15 consider making this a reality as soon as
16 possible by voting for it as soon as
17 possible. It is important for us to move
18 forward, We know we have a lot to do. And,
19 at your earliest convenience, we would love
20 for you to make a decision granting this
21 case. Thank you.

22 VICE-CHAIRPERSON HOOD: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Thank you. I guess what we can do is go over
2 any -- first, any questions? Any follow-up
3 questions? Okay. Let's get some dates, Ms.
4 Schellin, and see maybe when it's proposed
5 for our regularly scheduled meeting.

6 MS. SCHELLIN: I think first to go
7 over exactly what we need, so they can let me
8 know how much time they need; I have down
9 that Mr. Parsons and Mr. Turnbull would like
10 for them to take a look at the roof plan on
11 the residential buildings to see if there's
12 anything they can do about that. Mr. Parsons
13 also asked for maybe some more lighting in
14 the Metro Plaza below the trees. And Mr.
15 Hood had inquired about the affordable units
16 which the Applicant provided a response to
17 that this evening, so we no longer need that.

18 The only other thing is a clarification from
19 DDOT whether it's 90 feet or 110 feet
20 easement for Fourth Street.

21 And so, my question is, can you
22 guys provide that information in one week?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. QUIN: Yes. Speaking of the
2 information we can provide within one week.
3 We don't know about DDOT. We would hope that
4 they would respond within that period of
5 time. And we can request that.

6 VICE-CHAIRPERSON HOOD: Maybe we
7 can schedule it for our other meeting in
8 July.

9 MS. SCHELLIN: Okay.

10 VICE-CHAIRPERSON HOOD: Let's
11 shoot for that. Has that been advertised?

12 MS. SCHELLIN: It will be.

13 VICE-CHAIRPERSON HOOD: Okay.

14 MS. SCHELLIN: Okay. Then we'll
15 make that, the additional information due by
16 the 28th of June. And allow the parties
17 until July 12th to respond. And if the
18 parties choose to submit a draft order, that
19 also would be due by July 12th. All filings
20 due by 3:00 p.m. And then we can consider
21 this for proposed action at our special
22 public meeting on Monday, July 30, 2007.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. QUIN: I'm sorry. What date
2 for consideration?

3 MS. SCHELLIN: July 30, 2007.

4 MR. QUIN: All right.

5 VICE-CHAIRPERSON HOOD: Okay. Are
6 all the parties, the ANC and the two parties
7 on board with all of that? Okay. Thank you,
8 Ms. Schellin, for those dates. We're all on
9 the same page. And I appreciate everyone's
10 participation in this hearing. And if anyone
11 wants to follow it even closer, you can check
12 with Ms. Schellin and find out when we're
13 going to deliberate; possibly at our special
14 public meeting on Monday, July 30, 2007.

15 MS. SCHELLIN: Excuse me, Mr.
16 Hood, just to clarify, other than the
17 documents that have been requested, the
18 record will be closed for all other filings.

19 VICE-CHAIRPERSON HOOD: Yes.
20 Believe me, the record is closed. Okay.
21 Thank you very much. This hearing is
22 adjourned.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 (Whereupon, the hearing was
2 adjourned at approximately 6:43 p.m.)
3
4
5
6

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701