

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

Applications for a Modification
to a First-Stage PUD, a Second-
Stage PUD, and a Zoning Map
Amendment

Case No.:
02-38A

Thursday,
June 7, 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 6:30 p.m. in the
Office of Zoning Hearing Room at 441 4th
Street, Northwest, Washington, D.C., Anthony
J. Hood, Vice-Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
DONNA HANOUSEK Zoning Specialist

OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTIG, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
MATT JESICK

This transcript constitutes the
minutes from the Public Hearing held on June
7, 2007.

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

6:39 p.m.

VICE CHAIR HOOD: First of all, let me apologize for starting late. We had a few technical difficulties, but as you can see the screens are back up, so, obviously, we are ready to go.

Good evening, ladies and gentlemen, this is the Public Hearing of the Zoning Commission of the District of Columbia for Thursday, June 7, 2007. My name is Anthony Hood. Joining me this evening are Commissioners John G. Parsons and Michael Turnbull. We are also joined by the Office of Planning staff, Sharon Schellin and Donna Hanousek. And also to my right the Office of Planning. They will be introducing themselves at a later time.

The subject of this evening's hearing is Zoning Commission Case 02-38A. This is a request from Waterfront Associates, LLC for approval of a Modification to the

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1 First-Stage Planned Unit Development and
2 approval of a Second-Stage Planned Unit
3 Development and Related Map Amendment for
4 property located at 401 M Street, S.W., and
5 known as Lot 89 and Square 542.

6 Notice of today's hearing was
7 published in the D.C. Register on April 20,
8 2007. Copies of today's hearing announcement
9 are available to you and are located to my
10 left in the wall bin near the door. The
11 hearing will be conducted in accordance with
12 provisions 11 DCMR 3022.

13 The order of procedures will be as
14 follows: Preliminary matters; applicant's
15 case; report of the Office of Planning;
16 report of other Government agencies, if any;
17 report of Advisory Neighborhood Commission
18 6D; organizations and parties in support;
19 organizations and parties in opposition.

20 The following time constraints
21 will be maintained in the meeting: The
22 applicant 60 minutes, in which they have

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1 already requested; organizations 5 minutes;
2 individuals three minutes.

3 The Commission intends to adhere
4 to the time limits as strictly as possible in
5 order to hear the case in a reasonable period
6 of time. The Commission reserves the right
7 to change the time limits for presentations,
8 if necessary, and notes that no time shall be
9 ceded.

10 All persons appearing before the
11 Commission are to fill out two witness cards.

12 These cards are located to the left on the
13 table near the door. Upon coming forward to
14 speak to the Commission, please, give both
15 cards to the reporter sitting to my right
16 before taking a seat at the table.

17 Please, be advised that this
18 proceeding is being recorded by a Court
19 Reporter and is also webcast live.
20 Accordingly, we must ask you to refrain from
21 any disruptive noises or actions in the
22 hearing room.

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1 When presenting information to the
2 Commission, please, turn on and speak into
3 the microphone first stating your name and
4 home address. When you are finished
5 speaking, please, turn your microphone off,
6 so that the microphone is no longer picking
7 up sound or background noise.

8 The decision of the Commission in
9 this case must be based exclusively on the
10 public record. To avoid any appearance to
11 the contrary, the Commission requests that
12 persons present not engage the Members of the
13 Commission in conversations during any recess
14 or at any time. The staff will be available
15 throughout the hearing to discuss procedural
16 questions.

17 Please, turn off all beepers and
18 cell phones at this time, so not to disrupt
19 these proceedings.

20 Would all individuals wishing to
21 testify, please, rise to take the oath? Ms.
22 Schellin, would you administer the oath?

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1 MS. SCHELLIN: Yes.

2 (Whereupon, the witnesses were
3 sworn.)

4 MS. SCHELLIN: Thank you.

5 VICE CHAIR HOOD: At this time,
6 the Commission will consider any preliminary
7 matters. Does staff have any preliminary
8 matters?

9 MS. SCHELLIN: I guess the first
10 one would be the two requests for party
11 status.

12 VICE CHAIR HOOD: Okay. We have
13 in front of us two requests for party status
14 and I would like to move in the fashion of
15 addressing the one in support, at least the
16 way I read it, and that is the Carrollsburg
17 Square Condominium Association. I'll give
18 you time to get that in front of you.

19 And I just, for the record, want
20 to note in the submission the parties name
21 and address are as follows. I would
22 recommend that -- I don't know if Mr. Henry

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1 Baker, the way I read it, will be
2 representing or be one of the speakers, but
3 the way this is written and the way I
4 understand it, it appears though that the
5 request is for two, for Carrollsburg Square
6 Condominium and Mr. Henry Baker, who is
7 obviously a resident of Carrollsburg Square
8 Condominium.

9 And I would move that we give
10 Carrollsburg Square Condominium Association
11 party status in support and dropping off Mr.
12 Henry Baker who is a member -- a resident of
13 Carrollsburg Square, so the party status will
14 only go to Carrollsburg Square Condominium
15 Association, Inc. and I would move.

16 COMMISSIONER PARSONS: I would
17 second that.

18 VICE CHAIR HOOD: It has been
19 moved and seconded. Any further discussion?
20 Any further discussion? All in favor?

21 ALL: Aye.

22 VICE CHAIR HOOD: Any opposed?

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1 Staff would you record the vote?

2 MS. SCHELLIN: Staff records the
3 vote 3-0-2 to grant party status in support
4 to Carrollsburg Square Condominium
5 Association, Inc. Commissioner Hood moving,
6 Commissioner Parsons seconding, Commissioner
7 Turnbull in support, Commissioners Mitten and
8 Jeffries not present not voting.

9 VICE CHAIR HOOD: Okay. The next
10 party status request that we have is in
11 opposition. Again, the way this reads, Tiber
12 Island Cooperative Homes and Paul Greenberg.

13 I would do the same in this case as we did
14 in the prior party status request that we
15 grant party status in opposition to Tiber
16 Island Cooperative only and Mr. Paul
17 Greenberg, I believe is the president or some
18 affiliated officer with Tiber Island, and
19 that I would move that we grant Tiber Island
20 Cooperative Homes, Inc. party status in
21 opposition.

22 And I don't necessarily mean deny

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1 Paul Greenberg, but he will be able to
2 participate for Tiber Island as we did
3 previously, and I would so move.

4 COMMISSIONER TURNBULL: Second.

5 VICE CHAIR HOOD: So moved and
6 seconded. All those in favor?

7 ALL: Aye.

8 VICE CHAIR HOOD: Opposition? Any
9 opposition? You know, it's funny, you know,
10 you got three people and I'm still calling
11 for opposition. I have heard both of you,
12 but anyway, any opposition? So staff would
13 you record the vote?

14 MS. SCHELLIN: Staff would record
15 the vote 3-0-2 to grant party status in
16 opposition to Tiber Island Cooperative Homes,
17 Inc. Commissioner Hood moving, Commissioner
18 Turnbull seconding, Commissioner Parsons in
19 favor, Commissioners Mitten and Jeffries not
20 present not voting.

21 VICE CHAIR HOOD: You know, I will
22 be frank and honest, I forgot to ask the

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1 applicant did they have a problem with
2 granting party status, so forgive me and
3 hopefully you don't.

4 MR. QUIN: The answer is no, we do
5 not have objection.

6 VICE CHAIR HOOD: Thank you.
7 Forgive me. Okay. Let's --

8 MS. SCHELLIN: The next
9 preliminary matter, of course, would be the
10 expert witnesses.

11 VICE CHAIR HOOD: Oh, the expert
12 witnesses. You're right. Thank you. I'll
13 get in front of me. We have, colleagues, a
14 number of resumes, two that were submitted
15 this evening. Let me get the list. Mr.
16 Quin, I'm going to need you to make sure that
17 I get this right what you are proffering,
18 what you are asking to be expert witnesses.

19 Let me -- colleagues, I think we
20 can all agree Steven Sher and Shalom Baranes,
21 I don't think we need to discuss that. They
22 have been given party status on numerous -- I

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1 mean, I'm sorry, they have been given expert
2 witness status on numerous occasions and if I
3 don't hear any objection, we would go ahead
4 and proceed. No objection.

5 The next person that I think we
6 have is Mr. Tom Martens and we have his
7 resume, senior associate. We have that in
8 front of us, so he is being proffered as?
9 Help me out, Mr. Quin.

10 MR. QUIN: Economic research.

11 VICE CHAIR HOOD: Economic
12 research, okay.

13 MR. QUIN: ERA Economic Research,
14 economic consultant.

15 VICE CHAIR HOOD: Any objection?
16 No objection? Any objection? Do you have it
17 in front of you, Mr. Turnbull? Any
18 objection? Okay. Okay. Mr. Chad Baird is
19 also being proffered as an expert in?

20 MR. QUIN: Traffic consultant.

21 VICE CHAIR HOOD: Traffic
22 consultant from Gorove/Slade Associates. Has

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1 he appeared before us previously?

2 MR. QUIN: I'm not sure he has
3 appeared before this Commission. He has
4 appeared before several in certainly Virginia
5 matters and as an expert in traffic.

6 VICE CHAIR HOOD: Okay. Thank
7 you. Okay. Any objection? Any objection?
8 Hearing none, okay. Next, Deborah Salzberg,
9 she is real estate development. She is being
10 proffered, both her and Mr. Schear.

11 MR. QUIN: Yes, Mr. Schear is
12 president of Vornado, Charles E. Smith and
13 Deborah Ratner Salzberg is president of
14 Forest City Washington.

15 VICE CHAIR HOOD: Okay. Any
16 problems? Okay. All right. Next, I think
17 the last person is Iris Amdur.

18 MR. QUIN: Amdur.

19 VICE CHAIR HOOD: Amdur.

20 MR. QUIN: Right.

21 VICE CHAIR HOOD: Correct. Being
22 proffered?

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1 MR. QUIN: As an expert in LEED.

2 VICE CHAIR HOOD: LEED.

3 MR. QUIN: Yes.

4 VICE CHAIR HOOD: Okay. Any
5 objections? No objects, okay. Thank you,
6 Mr. Quin. We got through that. Now, we will
7 have -- do we have any other preliminary
8 matters, Ms. Schellin?

9 MS. SCHELLIN: That would be it.
10 Nothing.

11 VICE CHAIR HOOD: Okay. We're
12 ready for the applicant's case.

13 MS. SCHELLIN: I'm sorry, Mr.
14 Hood, I believe the one thing we forgot on
15 the party status was the time that they would
16 be granted to present their case. They both
17 asked for 15 minutes.

18 VICE CHAIR HOOD: They both asked
19 for?

20 MS. SCHELLIN: 15 minutes each,
21 yes.

22 VICE CHAIR HOOD: To present their

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1 case and we will give both of them 15 minutes
2 apiece. We will note that you front. And
3 depending upon how fast we're moving tonight,
4 we'll assess this at 9:00 or so, so just
5 let's see how this is going to proceed. I
6 would like to finish tonight, that's the
7 goal. Okay. Okay. Thank you. Mr. Quin,
8 you may begin.

9 MR. QUIN: Thank you, Mr. Chairman
10 and Members of the Commission. We're going
11 to try to move quickly and get all the facts
12 in front of you. My name is Whayne Quin with
13 Christy Shiker of Holland & Knight. We
14 represent the applicant, Waterfront
15 Associates.

16 In our view, this case is one of
17 the most exciting, meaningful and promising
18 PUDs to ever come before the Zoning
19 Commission. It no doubt will be a catalyst
20 for the continuation of revitalization of
21 Southwest Washington, especially on this
22 close end solid neighborhood.

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1 As you all know, this neighborhood
2 as a very long history going back to the
3 founding of the city in 1791 and even before.

4 It has had its ups and downs, including the
5 Urban Renewal Projects, one of which
6 Waterside Mall with the closing of 4th Street
7 was what really brings us here today.

8 There are other RLA and Urban
9 Renewal Projects that have been very
10 successful, especially the residential
11 complexes. So now, as an aside, it's really
12 interesting to see that southwest can proudly
13 be part of a first in the city, namely we
14 have going on in the city a dramatic
15 successful redevelopment in all four
16 quadrants, which I don't think has ever
17 heretofore existed going back to the
18 beginning of the city.

19 This application, as the Chairman
20 described, has, after coordination with the
21 D.C. agencies, ANC and the neighborhood,
22 seeks three things: Modification of the

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1 First-Stage PUD approval. Second, approval
2 of the Second-Stage for the interior of the
3 site, so that we can actually get something
4 under construction. And three, a change of
5 zoning for the entire site. You had already
6 granted C-3-C for the corners. This is for
7 the entire site.

8 But all of this is to improve a
9 product that was approved, previously
10 approved, by this Commission and increases in
11 retail, residential and open space all within
12 the previously approved FAR.

13 To summarize the changes, we
14 submitted an exhibit to you that shows the
15 PUD comparisons tonight. I don't know
16 whether you have it in front of you, but it's
17 interesting because, obviously, and I'm not
18 going to take a great deal of time to go
19 through it, but the major changes there are
20 the shift from commercial office to
21 residential.

22 .69 FAR previously approved to a

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1 potential of 2.11 FAR residential, and that
2 means from 400,000 square feet to a potential
3 of 1.2 million square feet of residential.
4 Retail of the commitment has been changed
5 from 75,000 to 110,000 and that, as you will
6 hear, overlaps and deals also with the
7 grocery store. The grocery store is actually
8 mostly in addition to that.

9 The actual office space leased to
10 D.C. has taken place since this was before
11 you, so we now have a lease of 500,000 square
12 feet of this project which makes it
13 meaningful and something that is ready to
14 proceed. And we have tremendous redesign in
15 terms of open space and town center approach.

16 That gets me to the amenities and the public
17 benefits.

18 You also have a chart which is
19 labeled "Summary of Public Benefits and
20 Project Amenities." Again, I'm not going to
21 go through that, but the important
22 commitments are things that you didn't have

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1 before in terms of the outstanding and
2 increased residential, the grocery store
3 commitments, the affordable housing and
4 attribution and it's really, we think,
5 something that is going to make this
6 neighborhood more vibrant and have a place
7 for everyone to enjoy.

8 The PUD, in our view, is a major
9 social and economic boon to the city and this
10 community and I would like to express
11 appreciation to the Office of Planning for
12 their hard work and support. We filed
13 tonight and you have another pleading or
14 document that's the Memorandum of Response to
15 the Office of Planning, which I think we have
16 now reached solutions on all issues, as far
17 as I know. I guess we'll hear from Office of
18 Planning later and I hope they will say the
19 same thing.

20 We are also extremely pleased with
21 the support of the ANC. We almost had a
22 unanimous vote. And you remember last time

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1 they were in opposition, so it's nice to have
2 support of the ANC. There was a 6-1 vote.
3 And there are many strong letters of support
4 by local residents and organizations.

5 Regarding DDOT, we believe that we
6 have reached agreement on most of the
7 concerns raised. We understand that that
8 will be addressed orally tonight. There are
9 two areas where we have not reached an
10 agreement, but peculiarly, both of those
11 areas, and maybe it's good, deal with the
12 Stage 2 approval. Actually, they really deal
13 with the overall and Stage 2 approval. We're
14 okay on it, as I read their reports.

15 First is there is a discussion
16 that DDOT has about the median break on M
17 Street. This was approved previously by the
18 Commission and was supported previously by
19 DDOT. But that can be explained later by our
20 traffic consultant as to why it's essential
21 for our development.

22 And secondly, we cannot agree to

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1 requiring the applicant to go for -- to BZA
2 proceeding for any parking above the minimum
3 requirements. This is contrary to the prior
4 position of DDOT and also it's contrary to
5 the First-Stage approval. We need that
6 flexibility because, in fact, we don't know
7 what all the uses will be outside this first
8 stage, so that we are okay with the -- if you
9 look at the -- back at the changes on the PUD
10 stage comparison, we're okay with the maximum
11 of 745 parking spaces.

12 But to go beyond that for the rest
13 of the PUD, we're not able to do that, at
14 this point. And to say that we can only
15 build the minimum doesn't make sense for us.

16 Again, this case represents many
17 substantial improvements over the original
18 First-Stage approval and we are all very
19 excited and enthusiastic about the case and
20 we hope that you will be, too. So unless
21 there are questions, we would like to proceed
22 with our witnesses now that we have taken

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1 care of the expert status.

2 And I would like first to call our
3 two leaders, Mitchell Schear, President of
4 Vornado, Charles E. Smith, and Deborah Ratner
5 Salzberg, Forest City Washington. Mr. Schear
6 will make the presentation initially and Ms.
7 Ratner Salzberg will close after we put our
8 other witnesses on. If I may proceed with
9 Mr. Schear?

10 VICE CHAIR HOOD: Yes, Mr. Quin,
11 if you could stop the clock? When I looked
12 up, I see -- you know, I haven't been faced
13 with this, so I'm going to try to make sure I
14 do this right. I see a former Council
15 Member. And normally, current Council
16 Members we always bring up.

17 I have not been faced with this,
18 with a former Council Member. So what I
19 would like to do, and I'm asking everybody's
20 indulgence, if I'm wrong, you meet me outside
21 when I get ready to leave and tell me that
22 you're upset with me, but I'm going to ask

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1 the former Council Member if she wants to
2 come up and do her testimony now, because
3 former and current Council Members always are
4 busy. We all are busy.

5 MR. QUIN: We wholeheartedly
6 support her.

7 VICE CHAIR HOOD: Okay. Well, I--

8 MR. QUIN: In her position.

9 VICE CHAIR HOOD: -- would ask
10 her, Council Member Jarvis, if you wanted to
11 come up and do your piece now and then you --
12 that way we won't retain you. It's up to
13 you.

14 MS. JARVIS: I would like to stay.

15 VICE CHAIR HOOD: Okay. Good.
16 Okay.

17 MS. JARVIS: Thank you.

18 VICE CHAIR HOOD: Okay. All
19 right. It's just the first time I've been
20 faced with that. Okay. Thank you. Okay.
21 We can start the clock. You may continue.

22 MR. SCHEAR: Thank you. Thank you

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1 and good evening. As Whayne said, my name is
2 Mitchell Schear. I'm a resident at 6672 32nd
3 Place in Northwest Washington. I am
4 President of Vornado, Charles E. Smith here
5 and I'm here with my partner Debbie Ratner
6 Salzberg of Forest City Washington. Together
7 along with Bresler and Reiner and our
8 companies, we compose Waterfront Associates,
9 the ownership entity of the project here.

10 Our development team consists of
11 Forest City Washington and for those of you
12 who are not aware of Forest City Washington,
13 Forest City Washington is part of the larger
14 \$9 billion national real estate company.
15 Forest city is in residential, retail and
16 commercial. It has 24 million square feet of
17 retail space, 11.5 million square feet of
18 office and 36,000 square feet -- 36,000
19 apartment units.

20 Forest City specializes in large
21 complex community-oriented urban development.

22 Forest City's roots are here. They have

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1 been here for over 30 years and they are a
2 terrific partner of ours. Our company is
3 actually brought together as a conglomeration
4 of what was the Kaempfer Company, Charles E.
5 Smith, as well as Vornado based in New York
6 and we have put our new name together as
7 Vornado, Charles E. Smith and we hope that
8 simplifies our message a little bit in the
9 community.

10 We are specializing in office and
11 mixed-use development projects and we are
12 committed to the revitalization of this
13 project. We are also pleased to sort of
14 recognize the community, who has really been
15 an adjunct member of our development team.
16 They have been with us for a long time,
17 countless hours meetings and discussions that
18 have taken place with the community over
19 many, many years.

20 So what I would like to do is
21 focus you on the background as to what has
22 got us here today. We started our efforts in

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1 2000. And we have -- in 2001, we concluded a
2 Memorandum of Understanding with the city
3 that really had three legs to the stool, at
4 that point in time. We were able to get
5 designated as part of the CEA, which
6 qualified us for Federal Government leasing.

7 We were able to secure an
8 extension to the existing ground lease at the
9 time and we came to an agreement to put 4th
10 Street back through the center of the
11 project.

12 2002, we had the EPA, who had been
13 in occupancy of the project for quite some
14 time vacated, and then Mr. Parsons and Mr.
15 Hood, we were before you all in 2003. Mr.
16 Turnbull was not there, at the time, but we
17 got our Stage 1 PUD approved. And at that
18 time, our program was one of substantial
19 rehabilitation to many of the existing
20 buildings. I'll explain more about that when
21 we talk about how we're moving forward.

22 Then sort of 2004, we thought we

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1 were putting together, at that point, the
2 headquarters, the new headquarters that
3 Fannie Mae would relocate to and, at that
4 time, we came to an agreement with the NCRC
5 and put together a term sheet with them and
6 we thought we were headed in that direction.

7 So when that fell apart in 2005,
8 it really gave us a chance to re-evaluate the
9 entire project. We came up with a new
10 development plan and we basically, at that
11 time, determined that we would really scrape
12 most of the site, but for two existing
13 structures and came up with a plan that we'll
14 talk to you about tonight. And at the same
15 time, we also reengaged with NCRC, negotiated
16 a new term sheet that ultimately, in 2006, we
17 ended up executing an LDDA with them. And we
18 were successful in that effort.

19 We also, as Wayne mentioned,
20 executed a lease with the D.C. Government to
21 lease two of the buildings that we will be
22 showing you this evening. \$10 million was

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1 appropriated by the D.C. Government to put 4th
2 Street back through the project. We did
3 commence demolition and we have filed -- we
4 filed our Stage 1 PUD Modification, as well
5 as the Stage 2 PUD.

6 So that's sort of what brings us
7 here tonight. What I would like to do is
8 just share with you what our vision for the
9 project is, but I'll move as quickly as I
10 can, so I make enough time for Shalom
11 Baranes, our very talented and capable
12 architect, who has been with us from the
13 beginning to really walk you through that in
14 more detail.

15 But our goal is to create a
16 successful mixed-use project. Our plan is to
17 integrate prime residential office and retail
18 uses that create a vibrant day/evening
19 activity on the site. The plan is going --
20 has a balance of office and residential. We
21 think we are maximizing the amount of
22 neighborhood retail and we think it will

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1 create a very active pedestrian and open
2 space.

3 We also believe that part of our
4 vision we will connect and enhance our
5 project to the surrounding neighborhood with
6 the reopening of 4th Street, with the new
7 public plazas, as well as the improved
8 pedestrian environment. We think we're
9 creating a great town center for the existing
10 near southwest neighborhood.

11 So what we will do is we will be
12 developing what we think is a thriving retail
13 mix, which will be key to the neighborhood
14 services as well as an improved grocery
15 store. Our plan is to maintain the existing
16 retail that's on the site today, which
17 consists of a full-service grocery store, a
18 drug store and a bank and we plan to
19 supplement it with a myriad of neighborhood
20 retail that may include dry cleaners,
21 electronics, flower shops, bakery, hardware,
22 book store, video, coffee shops, fast food,

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1 casual, cafe bistro, as well as some sort of
2 sit-down white table cloth restaurant
3 establishments and we think what that will do
4 is yield us with an exciting, vibrant day and
5 night project.

6 We also believe that our project
7 will integrate and support the city's vision
8 for the Anacostia Waterfront Redevelopment.
9 We believe our project incorporates strong
10 urban design planning and massing concepts,
11 so we think we'll end up with a scalable
12 pedestrian-friendly environment.

13 And what I would like to do is
14 share with you the project amenities and
15 public benefits that we will be bringing to
16 the project. Starting with our retail space,
17 and as Whayne mentioned, I have some music to
18 support my presentation.

19 VICE CHAIR HOOD: Yes, I thought
20 that was part of your presentation.

21 MR. SCHEAR: We have now come up
22 with 110,000 square feet as a minimum amount

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1 of retail square footage, that's an
2 additional 35,000 square feet that is
3 committed over our previously approved PUD.
4 We think we will establish a town center with
5 neighborhood- oriented retail. We have a
6 proposed new 55,000 foot grocery store. We
7 have a minimum commitment of 12,500 square
8 feet of retail to local businesses and we
9 will maintain the existing retailers
10 throughout the construction process.

11 Our residential space now consists
12 of up to 1.2 million square feet. This is up
13 to three times the amount that was approved
14 previously. We have a mix of rental and for-
15 sale housing. We have affordable and work
16 force housing, approximately, 130 units or
17 over 10 percent of the total housing will be
18 affordable and work force and the average AMI
19 will be less than 80 percent.

20 In terms of office space, as we
21 mentioned, we have 500,000 square feet pre-
22 leased to the D.C. Government and we expect

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1 that there could be up to an additional
2 700,000 to 1.1 million square feet developed
3 in phases over time. We are now having a
4 public plaza space of over 50,000 square
5 feet. This plaza space is over two times the
6 amount of the public plaza space that was
7 part of the originally approved PUD.

8 We think we have plazas that will
9 emphasize pedestrian-orientation, plazas that
10 are designed to accommodate various programs
11 and events and we believe that our 4th Street
12 reopen will become the neighborhood spine.

13 As you look at the reopening of
14 4th Street, we think that it really helps to
15 redefine the urban fabric. We think it
16 provides viable retail opportunities and it
17 also includes traffic calming measures
18 through the road reopening.

19 Additional benefits that I would
20 like to share with you, we have and continue
21 to have a community -- commitment to the
22 community, both our involvement in terms of

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1 jobs. We have a commitment to maintain a
2 security and construction mitigation plan
3 throughout the construction of the project.
4 We have a commitment to provide the ANC and
5 the Southwest Neighborhood Assembly office
6 and meeting space.

7 We have agreed to maintain the
8 National Park Service Pocket Park that will
9 be on each side of the 4th Street, that will
10 be put back through the site. We have a
11 Transportation Management Plan and we also
12 will be including sustainable features
13 throughout the project.

14 We have a package of economic
15 fiscal benefits as part of the property, as
16 part of the project. The summary of those
17 fiscal benefits include, based on what was
18 currently approved, we had a range of
19 benefits and these benefits are based on the
20 estimates from real estate taxes, transfer
21 recordation taxes, sales taxes, income taxes.

22 We were originally in the \$1.3 to

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1 -- or current status, excuse me, was \$1.3 to
2 \$2.6 million per annum. The 2003 approved
3 PUD ranged between \$13 and \$17 million and we
4 believe that our proposed PUD Modification
5 will now be between \$15.8 and \$20.2 million.

6 So where does that take us going
7 forward? If you now -- I talked to you about
8 where we were through 2006. In 2007 and
9 2008, we hopefully plan, and I appreciate the
10 spirit of getting through, hopefully we can
11 through this all tonight, we want to finalize
12 this PUD. We will finalize our arrangement
13 on 4th Street. We will close our NCRC land
14 transfer that is governed by the LDDA and
15 phase one construction will commence.

16 Fast forward to 2009, 2010, we
17 will complete phase one construction. That
18 will include our 80,000 square feet of
19 retail, including the 55,000 square foot
20 grocery, 400,000 square feet of residential
21 and the 500,000 square feet of office that is
22 leased to the D.C. Government.

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1 Thereafter, in the future, we will
2 work on the remaining sites at retail, at
3 residential and at office. That concludes
4 our presentation as the applicant. And we
5 would like to turn it now over to Shalom
6 Baranes, our design architect.

7 MR. BARANES: Thank you and good
8 evening. My name is Shalom Baranes. I'm
9 with Shalom Baranes Associates, the
10 architects for the projects. And I would
11 like to begin with just a very brief physical
12 description of the site, just to refresh our
13 memories here. Our site includes everything
14 you see inside this red line here and it
15 includes these two towers, these two office
16 towers, which are 130 feet tall, and it also
17 includes everything, all of this low
18 structure between the two towers as well as
19 all of the surface parking lots along M
20 Street and the plaza facing north.

21 These are a few images showing the
22 existing conditions. You can see it's an

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1 agglomeration of various building types, the
2 130 foot tower, of course, shows up in the
3 upper two slides and the lower portion of the
4 existing structure was built in a series of
5 different building campaigns.

6 This is a ground floor plan of
7 what currently exists on the site. Again, we
8 have surface parking on the north side,
9 surface parking on the south side, access to
10 servicing, loading next to these adjacent
11 residential towers and then more servicing on
12 the other side.

13 These -- basically, these colors
14 represent some of the uses that were there
15 prior to the closing of the mall, retail
16 office and above-grade parking. This is an
17 image of the Stage 1 approval that we
18 received from you several years ago and I'll
19 spend just a moment on it to describe its
20 primary features. Again, the primary
21 organizing element here was the introduction
22 of 4th Street.

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1 This is a reintroduction of an
2 original L'Enfant Street running right
3 through the center of our site. And with
4 this particular plan, we were constructing
5 four new buildings on the four corners of the
6 site. This was going to be all new
7 construction. And then in the center of the
8 site here, we were going to renovate these
9 two towers for office use, continued office
10 use and we were going to expand vertically
11 these two portions of the structure, again
12 for office use. And we are going to retain
13 the above-ground, it's about four levels,
14 parking structure between these two office
15 towers and allow that to serve as both of
16 those office uses.

17 This is our proposed revision to
18 that plan. And, of course, the revision has
19 been driven primarily by the fact that there
20 has been a major change in the program from
21 commercial to residential -- a weighing from
22 commercial to residential.

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1 As we have had time to look at
2 this and as we have had time to consider the
3 program change, we found that it was very,
4 very difficult to work with a lot of the
5 existing structures that were there. We
6 could work with them when we were providing
7 office use. It became much more difficult
8 for residential.

9 So with our proposal today, we're
10 -- we will be demolishing everything that
11 exists on the site with the exception of the
12 two towers which are here. Those will be
13 reclad, as I'll show you shortly, and
14 converted to residential use. We are
15 demolishing the above-grade parking garage,
16 the above-grade structure that we were
17 previously retaining.

18 And this is all new construction
19 through here as well as the four corners. As
20 I said, the big difference is that whereas
21 before we had seven commercial buildings and
22 one residential building, this was the

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1 residential, today we currently have four
2 office buildings and four residential
3 buildings. The four residential being here,
4 here, here and here, essentially, a ring
5 around the site with these four buildings
6 being office.

7 Now, the most beneficial change,
8 physical change that has occurred as a result
9 of the change in program has been that we
10 have been able to make our buildings a little
11 bit thinner. Residential, of course, cannot
12 have floor plates that are as deep as office
13 floor plates. So we made the buildings a
14 little bit thinner. We have held the density
15 exactly where it was before.

16 And in order to accommodate the
17 smaller footprints, we increased the height
18 slightly in the middle here from 74 feet to -
19 - I'm sorry, from 79 to 94 feet. And it has
20 allowed us -- it has created the opportunity
21 for us to have a lot more open space on the
22 site than we had before, again, because the

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1 footprints have shrunk. And we have devoted
2 most of that new open space that has been
3 created to publicly accessible space.

4 And most of it occurs in this area
5 here. We now have a new east/west access
6 with a plaza, a west plaza here, an east
7 plaza here and we maintain the Metro Plaza
8 that we had before.

9 Here is a comparison of the two
10 side-by-side and I would ask you to note also
11 that in our current plan we are showing the
12 proposed new construction that our neighbors
13 to the west have, which involves the addition
14 of two towers. Here they are shown as
15 parking lots. And we did the same thing on
16 the east side where we believe we will be
17 adding two towers there adjacent to the two
18 existing in-- towers.

19 So whereas before we had a
20 continuous wall of buildings on both sides of
21 4th Street and then we had these two somewhat
22 orphaned service areas along M Street. We

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1 now have a break in the street wall along 4th
2 Street and we have simplified the forms of
3 these two buildings to create a sense of
4 continuity for the retail along the north
5 side of M Street.

6 Here is the site plan you get a
7 better sense for what I have been describing
8 and the key component of our plan continues
9 to be the opening of 4th Street and the
10 adjacent Metro Plaza. We have developed that
11 in more detail and we'll return to that
12 shortly.

13 This is a diagram of our ground
14 floor plan, which shows the extent to which
15 we have gone to accommodate retail on an as
16 continuous basis as possible, both along 4th
17 Street and along M Street. The only place we
18 have interrupted the retail is where we had
19 to introduce office lobbies or residential
20 lobbies. And I think the continuity along
21 both sides of the street here, as well as
22 along here, will really make the retail more

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1 likely to be successful. It will allow the
2 retail to thrive.

3 In addition to devoting all the
4 street fronts to retail, we have also taken
5 the entire floor plate as much of it as we
6 could capture on the east side here in the
7 center of the block and designed that so that
8 it can accommodate a 55,000 square foot
9 grocery store as well as smaller retail
10 establishments facing directly onto 4th
11 Street.

12 This has all been designed to
13 allow for servicing the grocery store, access
14 to the parking for the grocery store, as well
15 as direct access to the adjacent retail uses.

16 We have paid very careful
17 attention to the design of the sidewalks
18 along 4th Street and we've decided on this
19 basic organization that you see here between
20 circulation and the more passive activities
21 which we have found, as we've looked at other
22 successful retail locations in the region

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1 here, it seems to work best. And this is a
2 scheme that allows public circulation, the
3 sidewalk, the happen directly adjacent to the
4 retail fronts, so the retail can be
5 continuous.

6 These retail entrances can move
7 over time and they won't interrupt the
8 activities that will occur along here closer
9 to the curb, which will be outdoor cafes
10 related to the restaurants on the other side
11 of the sidewalk. Of course, the added
12 benefit of putting the seating along this
13 side is that we can incorporate many of the
14 street -- much of the street furniture with
15 it and we can also create shading for the
16 seating areas with the curbside trees.

17 Here are just two examples of some
18 organization of retail located away from the
19 building front here in this region. Again,
20 you see the sidewalk against the building
21 there and in this slide you're looking in the
22 opposite direction and again seeing the

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1 pedestrians seated closer to the curb.

2 Now, as I said, we have also
3 created this new east/west plaza, which is a
4 very important feature of our new plan. In
5 addition to, I think, creating additional
6 opportunities for retail frontage, it also
7 has allowed us to integrate the entrances to
8 this tower and this tower, these two
9 residential towers into the overall
10 circulation of the project.

11 Again, you can see here in the
12 site plan that the east/west access is
13 terminated both in the west and the east by
14 the ends of the two existing buildings, which
15 is where we are going to locate the lobby
16 entrances. And here is the existing Metro
17 entrance. We are now looking east, toward
18 the east, past one of the office buildings to
19 the residential tower which terminates the
20 view as you look in that direction.

21 The other positive aspect of the
22 introduction of this east/west access is that

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1 it allows us to connect the development that
2 will occur along this side, which I
3 understand you already reviewed as a PUD, to
4 our project and also allows to connect our
5 project to future development on the east.
6 Pedestrians will, essentially, be able to
7 exit these buildings, walk along our plaza
8 through this landscaped area and get directly
9 to the Metro escalator, which is shown right
10 here, without having to go all the way onto M
11 Street and loop back around and come back,
12 and likewise for the residents directly to
13 our east.

14 And we have designed these areas
15 very carefully so that there are sidewalk
16 areas that relate directly to the entrances.

17 There are areas designed for vehicles.
18 There are areas designated for drop-offs
19 related to this. And then we carefully
20 orchestrated this crossing of the service
21 alley back into the pedestrian areas and
22 lobbies of the future development to the

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1 west.

2 I'm going to focus now on the four
3 buildings which comprise our Stage 2
4 submission today, which include these two
5 office buildings, as well as these two
6 residential towers, and then everything else
7 you see inside the red line. So you can see
8 as part of our First-Stage development here,
9 our initial development, our initial
10 construction, we're going to be undertaking a
11 significant amount of site work.

12 All of 4th Street will go in, most
13 of the Metro plaza will go in, the west and
14 east plaza will go in, as well as some of
15 these open spaces and courtyards to the
16 north. We have designed these two office
17 buildings in a fashion that allows them to
18 relate to the quality, the characteristics of
19 some of the other buildings in southwest
20 neighborhood. And we have done that both
21 through the use of materials and the
22 development of the massing.

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1 These buildings are 94 feet tall
2 and we have stepped each one of them in
3 different ways, so that they add variety to
4 the street by two stories. We have lowered
5 the primary cornice line down this building
6 down two stories along 4th Street and then we
7 did the same on the south side and the west
8 side of the building on the -- west of 4th
9 Street.

10 And we have developed the massing
11 in a fashion that allows the tallest portions
12 of the buildings to set back, be quite slim
13 at 94 feet and then the lowest portions, as I
14 said, to be visible and to demarcate the
15 right-of-way, which I think you can see more
16 clearly in the next slide. The 90 foot
17 right-of-way is marked by the primary
18 expression of the mass of this building and
19 the primary expression of the mass of this
20 building. It's actually 90 feet here and
21 then widens by, approximately, 10 feet here.

22 This element is a bay which I

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1 think seen from a distance will really appear
2 to be almost like a front porch or a portico
3 attached to a larger building. So there will
4 be a very clear reading of the geometry of
5 the streets as exist today, as well as the
6 larger right-of-way as it relates to the
7 north and south, that being the 90 foot
8 section I just mentioned.

9 This is a view looking north along
10 4th Street. We're looking between the two
11 office buildings and again here is the
12 portico I mentioned. And then here you can
13 see the use of the two different materials.
14 Each building is comprised of a terra cotta
15 wall, two terra cotta facades as well as a
16 glass and metal facade. We have the terra
17 cotta walls, which are quite flat, plainer,
18 facing east on both buildings where the heat
19 gain is less than it is on the west side.
20 And then on both west facades of -- each west
21 facade of both buildings we have used this
22 metal and glass system with bris soleil, that

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1 you can get a sense for right here, to
2 provide shading.

3 Besides being sustainable, besides
4 this being a very sustainable approach to the
5 design of the buildings in terms of their
6 orientation, it's also quite fortunate in
7 that it gives us variety on the two sides of
8 the street. So these two buildings, though
9 they use the same materials, will look quite
10 different as you walk up and down 4th Street.

11 Here is a view looking from the
12 east plaza to the west. The arena stage will
13 be right behind our project over there. And
14 what I would like to point out here again is
15 the variety in these facades, the way we have
16 expressed the different portions of the
17 massing with the different materials. And
18 again here, I think you can see pretty
19 clearly how we use the residential building
20 to terminate that access.

21 Terra cotta is a very -- it's
22 quite a wonderful material. It's a natural

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1 material, just like brick. It's a clay
2 product. Believe it or not, it was used in
3 southwest in some of the very early
4 buildings. We haven't seen it used here
5 since in the city or any other place in the
6 United States. And we think it's a really
7 convenient way of relating our commercial
8 buildings to the residential buildings.

9 Having terra cotta on our
10 buildings which relates to the brick of the -
11 - of other existing buildings in the
12 neighborhood, as well as to the terra cotta
13 decorative elements on them. They are used
14 as screening elements primarily on the
15 balconies.

16 And here is a direct view of the
17 4th Street building on the east side. And
18 here, I think, you can see that we made a
19 real attempt to give the retail at the base
20 of the building a real sense of identity. So
21 it's not just the office building coming down
22 to the ground, but it's really the office

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1 building floating above a glass element that
2 will change over time.

3 As different retailers change, the
4 base of the building will change. It will be
5 much more transparent. It will be much more
6 lively. It will have signage. It will
7 create a very lively, very vibrant character
8 to -- for 4th Street. And in the series of
9 images I will show you next, you will see
10 different ways that different retailers could
11 use and develop their identity at the base of
12 the building.

13 This portion is office and will
14 always remain the same. This portion here
15 will change over time and what we are showing
16 you here is illustrative of what could
17 happen. For example, this could be the
18 grocery store. This might be a bank facade.

19 It's a little more solid, a little bit less
20 glass. And here on one portion of the
21 building we have brought the structure, we
22 have expressed it down to the street, and

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1 created the opportunity for each bay to be
2 developed differently than adjoining bays.

3 And here is one of the entrances
4 to one of the two buildings and this will be
5 a permanent feature that would not change
6 over time, but we designed it in a way to be
7 sympathetic to both the office building above
8 and to the retail to the side. Now, the two
9 towers here, the two residential towers, the
10 two existing office towers will be reclad
11 completely.

12 You can see these two towers have
13 a very monumental quality. They were
14 designed to be very symmetrical. They have
15 central cores that are actually expressed on
16 the interior through the bilateral symmetry
17 that you see here. They are brutalist
18 structures basically. I don't believe they
19 ever fit in with anything else that was
20 happening in the area and so we do plan to
21 reclad them in order to lighten them
22 visually.

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1 And again, we are shifting their
2 center of gravity. Right now, they are
3 symmetrical around a center line and both on
4 the interior and the exterior, we're going to
5 shift them visually, so that the primary
6 focus of the buildings will be at the
7 entrances on the south side here.

8 You can see that in this image
9 here of the model, where there will be an
10 emphasis on this vertical bay at the end of
11 each one. And you can see it in this
12 rendering also where again the end is being
13 emphasized. This is no longer symmetrical,
14 this portion of the building. And then, of
15 course, we have opened up the bay, so that as
16 you look down that east/west access, you will
17 always be looking towards these very
18 generous, very transparent lobby spaces that
19 we have.

20 Let's see, are we a little short
21 on time? Shall I --

22 MR. QUIN: Go ahead.

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1 MR. BARANES: Okay. All right.
2 I'm going into a section here which describes
3 the materials of the landscaping, which I'll
4 just take a couple of minutes to do here. We
5 do have a wonderful landscape architect on
6 this project. Don Hoover with Oculus is here
7 and we've been working with him very closely
8 and I'm going to very quickly just give you
9 an abbreviated version, an abbreviated
10 summary of the work that we're doing here.

11 And I'll start by focusing on 4th
12 Street where our intent is to develop the
13 street as a typical Washington, D.C. street.
14 We don't want the street to be different
15 than other streets in the area. We want it
16 to feel like it's part of the grid, part of
17 the L'Enfant plan. We want it to blend in.

18 So these are some of the materials
19 that we're using, standard granite curb with
20 a brick gutter and then a courtesy band there
21 next to the curb, which will be stone, and
22 then standard paving, concrete paving

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1 materials. We do have Willow Oaks lining
2 both sides of the street and that's a
3 continuation of what we have both to the
4 north and to the south.

5 And we are working with standard
6 street furniture that I think has been
7 utilized in the Anacostia, it has been
8 approved as part of the Anacostia Plan.

9 This is a view of the plaza at the
10 Metro. We have spent a lot of time thinking
11 about how to approach this whole space. And
12 we concluded that it was very important to
13 maintain a portion of it open, as just an
14 open civic space, open plaza space. Not only
15 will that serve -- not only does that make
16 sense from a functional standpoint in terms
17 of having the Metro entrance there, but a lot
18 of pedestrian traffic at peak hours here, but
19 also in terms of possible events that might
20 occur here.

21 But then we have zoned it. So we
22 go from an open area here to a more protected

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1 area here. None of this plaza is over-
2 structured. It's all on dirt. So this
3 double row of trees that you see here will
4 grow to be quite large. These will be very
5 substantial shade trees, London Planes. And
6 we have designed this area to have seating.
7 It will have permanent benches here. We have
8 a series of water features, a series of
9 fountains articulated in various ways as we
10 move from the north to the south and all of
11 this will be built in stage -- in the next
12 phase of construction.

13 We then preserve the area that you
14 see here in gray where we will have a future
15 office building for restaurant seating. We
16 expect to have retail there. We expect that
17 to be very vibrant and we expect that that
18 will be a very popular area for people to sit
19 and eat.

20 And you can see that a little more
21 clearly here with the zone, with the benches,
22 the water and open area here for seating and

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1 then the edge of the future, the stage -- the
2 future Stage 2 project. And here you see
3 what we expect the size of these trees to be
4 over time.

5 The paving along this entire east/
6 west access will have quite a bit of color to
7 it. We want it to be vibrant. And it will
8 use a range of bricks that will fall within
9 the general range that you see here. And we
10 will articulate the vehicular area in a
11 slightly different color palate than the
12 sidewalk pedestrian area.

13 We will have lighting. We will
14 have furniture there. These are the types of
15 lights that we will use to punctuate both
16 sides of the plaza. These are the planters
17 with associated seeding. And we also have
18 two private courtyards. This is the
19 courtyard on the west side. This will not be
20 accessible to the public, but only accessible
21 to the residents of this tower.

22 And basically, this west side

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1 courtyard is designed to have two functional
2 lawn areas, one here and one here, and then a
3 series of smaller areas more shaded with a
4 smaller scale to them as you see right here
5 associated with the residential.

6 And on the east side, our
7 courtyard is actually the roof of the grocery
8 store. We will plant that with sedum. A
9 very small portion of it will be accessible,
10 just along the edge here, as a series of
11 private gardens for these residents, but this
12 whole area here is raised one level above-
13 grade, whereas this area is accessible to the
14 public, this area will not be.

15 And I would like to conclude by
16 addressing just two issues that I know are
17 still of some concern to the residents.
18 There is a concern that the construction that
19 we are proposing on the north side of the
20 street here, some of the residents are
21 concerned about this, not all, there is a
22 concern that the construction work we're

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1 proposing on the north side of the street
2 will have an impact in terms of light,
3 shadows, acoustics, vibrations on the
4 buildings on the south side of the street.

5 And I mean, certainly, there will
6 be some effect, but I believe that the effect
7 will be negligible to the extent that there
8 is one. And I would also like to suggest
9 that this be thought of in terms of other
10 streets in the city. We have M Street here
11 which is very wide. It's 120 foot right-of-
12 way. We are on the north side of the street,
13 so we won't be casting any shadows.

14 And we have a condition here where
15 many of the buildings, I think, actually all
16 of the buildings on the south side are
17 setback from their property line. There are
18 only two towers here. There is a tower here
19 and there is a tower here, neither one of
20 which has any windows facing north. The
21 windows are all on the east and the west
22 sides, so we will not be impacting their

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1 views. But there are some low-rise
2 townhouses here and here which are setback
3 over 140-some odd feet from the face of our
4 building.

5 So, you know, I think it's very
6 important here that we understand that the
7 north side is meant to be a town center. It
8 has to be vibrant. The retail has to
9 succeed. And it's very important that we
10 have a sense of continuity for the retail. I
11 think without continuity, the retail will not
12 do well.

13 I think it would be a mistake to
14 try to replicate the kind of courtyard
15 landscape effect that you have on the south
16 side on the town center side of the street.
17 And secondly, I know that there has been a
18 concern about or a question about whether our
19 general design architecturally fits with the
20 rest of southwest. We received comments that
21 the tall buildings should not be on the
22 corners of a site, but they should be in the

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1 middle of the site.

2 We have received other comments
3 that the project should generally maybe be a
4 little bit taller, but the footprint should
5 be a little smaller as a result of that. We
6 have explored all of that and, as a matter of
7 fact, with the Office of Planning several
8 years ago we did suggest taller buildings
9 here and we were asked to reduce them, to
10 lower them, which we did do.

11 So I think we have struck a very
12 fine balance here between reinforcing the
13 L'Enfant Plan, which has been very important
14 to the staff of the Historic Preservation
15 Review Board, whom we've been working with,
16 it just always seems to be a very critical
17 thing with these large projects, while at the
18 same time acknowledging that we are in a very
19 special area that is southwest, that has a
20 very different kind of tradition, in terms of
21 open space and built space, and we have
22 acknowledged that by introducing more open

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1 space and more cross axes, more courtyards
2 here with this project, I think, than you
3 would see in any other project anywhere else
4 in the city built in our time.

5 And I think it's important to
6 acknowledge both traditions. And I believe
7 we have been successful at doing that. Thank
8 you.

9 MR. QUIN: Mr. Chairman, I would
10 like to call our next witness, Chad Baird,
11 our traffic consultant.

12 MR. BAIRD: Thank you. Good
13 evening. My name is Chad Baird with Gorove/
14 Slade Associates. I'm here to present
15 tonight on the traffic impact assessment for
16 the Waterfront development. My presentation
17 tonight is twofold. It's basically looking
18 at the traffic impact study that we prepared
19 and then the second is the design related to
20 4th Street.

21 First, I would like to go through
22 the parameters that we went through with the

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1 traffic study going through what it took to
2 get to the traffic study, where we needed to
3 be today. First, we set out and did a scope
4 with DDOT, had DDOT approve the scope in
5 September of 2006. We submitted our traffic
6 study after the scope was approved in October
7 of 2006.

8 We received comments from DDOT in
9 the beginning part of the year based on their
10 review of the marina view site adjacent to
11 ours to incorporate some more background
12 developments within our traffic study. So we
13 updated the traffic study and incorporated
14 more background and finally submitted the
15 traffic study in April of 2007 for review.

16 That brings us to the actual
17 traffic study. We did our traffic counts in
18 2006, September. We looked at all the
19 intersections surrounding the site from 7th
20 Street to 3rd Street and from M Street to I
21 Street. We looked at existing conditions,
22 future conditions without our development and

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1 future conditions with our development.

2 Our development has two phases.
3 One is build year 2010 and one is build year
4 2020. We looked at the a.m. and p.m. peak
5 hours. Basically, just as a note, the trips
6 generated by this development before you
7 tonight virtually had no difference in trips
8 generated from what was submitted in the 2003
9 and approved PUD study. It basically swaps
10 out the office for residential under this
11 study.

12 All the intersections work at
13 acceptable levels. And aside from the two
14 comments or two items that were raised
15 earlier, the curb cut and the parking, DDOT
16 concurs with our traffic study and there is
17 no adverse impacts.

18 And then finally, one of the
19 issues or concerns that was brought up at the
20 2003 PUD process was 4th Street, how it would
21 be designed and how it would be implemented,
22 basically. We needed to make sure that it

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1 wasn't used as a regional cut-through, that
2 it was used more for this site and more for
3 the neighborhoods to the north and south of
4 the site to get around.

5 So in the 2003 PUD process, it was
6 asked to make this more of a pedestrian-
7 oriented street, which I think we are gearing
8 this street towards with some of the things
9 that we're implementing. We're implementing
10 a raised crosswalk mid-block between M and I
11 Street, which is basically a speed table, but
12 it slows traffic down. It carries the
13 pedestrians from the east and west towers to-
14 - at crosswalk levels. They don't have to
15 step down onto the street.

16 We're incorporating a raised
17 median in the middle of 4th Street mid-block
18 to help reduce the width of M -- of 4th
19 Street. We have trees lining the 4th Street
20 to help make it a narrower street, on-street
21 parking again slows traffic as cars are
22 trying to maneuver in and out of spaces, ball

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1 belts or nubs at most of the intersections.
2 Again, that narrows the streets. It also
3 helps pedestrians crossing the street. It
4 makes their trip across the street a shorter
5 distance.

6 Bike lane, again, making 4th
7 Street a multi-modal street with cars,
8 pedestrians and bicycles. And finally, a
9 pick-up/drop-off area at the Metro Station to
10 help get pedestrians onto that Metro. And
11 with that, I'll hand it off to Steve Sher.

12 MR. SHER: Good evening, Mr.
13 Chairman, Members of the Commission. For the
14 record, my name is Steven E. Sher, the
15 Director of Zoning and Land Use Services with
16 the Law Firm of Holland & Knight.

17 I want to go very quickly through
18 three points. One, comparison between what
19 was approved in 2003 and what is before you
20 this evening. Two, the impact of the change
21 of zoning from C-3-B to C-3-C in the middle
22 of the site. And three is the Comprehensive

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1 Plan question.

2 In the table that begins at the
3 bottom of page 1 of my outline, it goes
4 through the top of page 3, I have looked at
5 and tried to give you a sense in one chart of
6 what are the significant differences between
7 what was approved and what we're asking for
8 now. I would like to just highlight a couple
9 of those points.

10 The distribution of uses, there
11 have been some significant changes. As you
12 can see, as Mr. Baird has mentioned earlier,
13 the original plan had seven office buildings
14 and one apartment house. We now have four
15 apartment houses and four office buildings,
16 so the change of the distribution is
17 significant.

18 The overall density hasn't
19 changed. We're at the same 4.33 FAR, but the
20 density within that overall FAR has changed.
21 We've increased the residential by over
22 800,000 square feet and we increased the

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1 retail by over 35,000 square feet, plus the
2 grocery store and we have decreased the
3 office from 2.1 million to 1.3 million.

4 And in terms of phasing, the
5 Commission may recall that a fairly
6 complicated phasing plan was set up in order
7 to ensure that residential was built at
8 appropriate points in that process, but it
9 still allowed up to 1.5 million square feet
10 of office to go first before the first
11 200,000 square feet of residential was
12 required.

13 And what we are proposing now, the
14 first phase, the four central buildings, the
15 conversion of the two existing towers and the
16 two new office buildings, we will have
17 438,000 square feet of residential and
18 600,000 square feet of office in that first
19 phase. So a significant difference in timing
20 in terms of when the residential comes on
21 line compared to where we were.

22 In terms of the amenities, Mr.

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1 Schear talked about those at the very
2 beginning, but let me just hit very quickly.

3 We have more than 800,000 square feet of
4 additional residential. Of the residential
5 160,000 square feet would be affordable,
6 whereas there was none before. We have
7 35,000 square feet of retail, the commitment
8 to the 55,000 square foot grocery store, the
9 expanded open space about doubled and the
10 inclusion of the sustainable design elements,
11 which are in the package.

12 With respect to the rezoning, we
13 have changed the zoning on the central part
14 of the project for essentially one reason.
15 It's not to get more FAR. It's not because
16 we need different uses. It's not for
17 anything other than we need to be able to get
18 4 feet more in height for those two office
19 buildings along 4th Street and that is
20 essentially accommodate retail on the ground
21 floor.

22 We're going from 79 feet, which

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1 was approved before, to 94 feet. 90 is what
2 is allowed under C-3-B. Under C-3-C, in
3 theory, we could go a lot higher. We want to
4 go to 94, so that we can have a 16 foot slab-
5 to-slab height on the first floor for the
6 retail and then 8 foot 6 clear office floors
7 above that. So the rezoning facilitates only
8 one thing and that's the increased height of
9 those two central buildings.

10 With respect to the Comprehensive
11 Plan, when the Commission had this case
12 before it the last time, it was a different
13 plan than we have now. Counsel adopted a new
14 plan, the Comprehensive Plan Amendments Act
15 of 2006, effective March 8, 2007. I have set
16 forth what I think are the critical pieces of
17 that Comprehensive Plan in the outline.

18 What is important for the
19 Commission is to look at the generalized
20 policy map, which suggests this is a land use
21 change area and one which would be enhanced
22 or a new multi-neighborhood center. We have

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1 done a very complete analysis of the Comp
2 Plan in all of our written submissions. The
3 Office of Planning did a very thorough job of
4 explaining that in its report.

5 The second thing is the future
6 land use map which designates the site for
7 high density residential and high density
8 commercial. So you've got basic policy
9 framework established by the plan. As the
10 Commission has heard me in other cases
11 before, one of the principal thrusts of this
12 new Comprehensive Plan is the notion that
13 future development in the District should be
14 concentrated around Metro Stations.

15 Transit-oriented development,
16 development near Metro on page 8 and 9 of the
17 outline, I have cited some of those policies.

18 I think from an overall land use planning
19 point of view, the project has moved in the
20 direction of a mix of uses that is more in
21 line with what the District would like to see
22 in future development. It is at a location

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1 that is right near the Metro Station and it
2 is consistent with and not inconsistent with
3 the Comprehensive Plan. Thank you.

4 MR. QUIN: Mr. Chairman, our final
5 witness is Deborah Ratner Salzberg, President
6 of Forest City Washington.

7 MS. SALZBERG: Good evening. I'm
8 Deborah Ratner Salzberg, President of Forest
9 City Washington. Tonight we have presented
10 our vision for the new Waterfront. We want
11 to bring back to the community a successful
12 office project, vibrant and active retail and
13 livable exciting residential projects.

14 You have listened to Shalom who
15 told you -- who showed you what we have today
16 and what we plan to bring now. You heard
17 Mitchell who told you we have been working on
18 this for seven years. Over seven years, the
19 project has improved tremendously. We have
20 spent, I think, over 40 meetings we have had
21 with the -- is that correct?

22 MR. QUIN: More than 50.

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1 MS. SALZBERG: 50 excuse me, over
2 50 meetings with the neighborhood. What we
3 have learned is this is a wonderful community
4 that cares about its town center and that's
5 what we hope to build. We hope to build and
6 bring active retail back to southwest as well
7 as they said office and residential.

8 What we need more than anything
9 tonight is your help and we would like you to
10 let us get started, so we hope we will be
11 able to finish this and we can get a vote and
12 get moving. So thank you very much.

13 MR. QUIN: Thank you. Mr.
14 Chairman, I would like to note for the record
15 that the clock still reads 2.32 seconds, I
16 guess, minutes and we're -- 2 minutes and 32
17 seconds, so we should get some credit
18 somewhere for that. I think it may be the
19 first time we have done that. So we would
20 hope that you would expedite your favorable
21 decision as soon as possible.

22 VICE CHAIR HOOD: You know, Mr.

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1 Quin, I appreciate that, but it sounds to me
2 like you're trying to get home and watch the
3 NBA finals.

4 MS. SALZBERG: If it doesn't count
5 against my time, I'm originally from
6 Cleveland, so I'm the one who is trying to
7 get home.

8 VICE CHAIR HOOD: Okay. All
9 right. Okay. Thank you very much for your
10 presentation. Colleagues, who would like to
11 start off first or do we have any questions?
12 Mr. Turnbull?

13 COMMISSIONER TURNBULL: Thank you,
14 Mr. Chair. I just have -- maybe I can start
15 with Mr. Sher. Maybe it will go to someone
16 else, but when you talked about the first
17 phase, you talked about it's the two center
18 buildings on 4th Street, 619,000 square feet
19 of commercial or something like that?

20 MR. SHER: Yes, sir, almost
21 620,000 square feet of commercial.

22 COMMISSIONER TURNBULL: Right.

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1 Here is my question and I'm trying to
2 understand the streetscape with retail. We
3 have a letter from Mr. Lars Etzkorn at OPM.
4 And the letter is basically talking about
5 they are in support of the project and they
6 are going to be going into the new structures
7 4th Street West and 4th Street East.

8 Now, they talk about occupying 500
9 square feet. And the question that I'm
10 looking at is that when they talk about
11 program needs and the maximized first floor
12 uses for the public benefit of Government
13 program needs, they are talking about space
14 that can be used for permitting, fee
15 collection and hearing.

16 So I'm just wondering from the
17 standpoint of a vibrant street, is then most
18 of the retail then going to be on M Street or
19 how are you -- I mean, I'm seeing that 4th
20 Street is going to be Government-related
21 program needs. And I'm just wondering how
22 that fits in with your hardware and your

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1 retail and everything else.

2 MS. STEINGASSER: Commissioner
3 Turnbull, perhaps it would be more
4 appropriate for OP to address that during our
5 presentation, rather than put the applicant
6 on the spot for that particular question.

7 COMMISSIONER TURNBULL: Okay.

8 MS. STEINGASSER: If that's all
9 right.

10 COMMISSIONER TURNBULL: I'm just
11 surprised that they don't know, but that's
12 all right.

13 MR. QUIN: Oh, no, we know.

14 MS. STEINGASSER: Oh, okay. All
15 right. Well, then --

16 VICE CHAIR HOOD: Let's give them
17 a chance.

18 MS. STEINGASSER: Okay.

19 VICE CHAIR HOOD: We'll ask the
20 same question to OP.

21 MS. STEINGASSER: That's fine.

22 COMMISSIONER TURNBULL: Yes.

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1 MR. SCHEAR: Could we have Mr.
2 Gordon? We all want to answer. Let me give
3 it a shot and my colleagues can jump in if
4 you will. We have been working with OPM to
5 finalize the plans and as we have gotten into
6 further detail and even after this letter was
7 forwarded to the Commission, there will be
8 some functions in the OPM offices that, you
9 know, want to bring people in off the
10 streets. Those will likely end up being on
11 the second floor.

12 There will be some sort of smaller
13 space on the first floor, staircases,
14 something like that taking place. And when
15 you look at the reconciliation between the
16 500 and the 600 square foot numbers, those
17 are the difference in that structure when Mr.
18 Sher was talking about it is retail on the
19 first floor.

20 So the difference between the two
21 numbers is retail and the OPM functions are
22 likely to end up being accessible from the

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1 first floor, but not taking up much of the
2 first floor space.

3 COMMISSIONER TURNBULL: Oh, so you
4 really don't see any storefront for the
5 Government? I mean, I saw one of the -- I
6 mean, obviously, there is the entrance to the
7 buildings.

8 MR. SCHEAR: Well, you were
9 looking at the main entrance of the building.

10 COMMISSIONER TURNBULL: Right.

11 MR. SCHEAR: With the District
12 flag in the lobby of the building.

13 COMMISSIONER TURNBULL: Right.

14 MR. SCHEAR: Which would be the
15 main entrance and somewhere off of those
16 lobbies you would see a public space
17 accessible to the floor above.

18 COMMISSIONER TURNBULL: So you go
19 into the lobby and then either go up by
20 elevator or stairs to the second floor?

21 MR. SCHEAR: Right.

22 COMMISSIONER TURNBULL: Okay. I

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1 guess my next question is although DDOT has
2 sent a letter, basically, concurring or
3 agreeing with a lot of the aspects of the
4 applicant, they constantly go back in their
5 letter that we got from Mr. Laden dated June
6 1st about 110 foot right-of-way on 4th Street
7 where your drawings show 90 feet now.

8 And I'm just -- they kept
9 stressing 110 feet. I'm wondering if someone
10 can reconcile their request for 110 versus
11 the 90 that you are showing?

12 MS. SALZBERG: The only
13 reconciliation we can come up with is that
14 they must have made a mistake, because for
15 the six years that we have been talking to
16 them about this project, it has always been a
17 90 foot right-of-way, including their working
18 drawings.

19 COMMISSIONER TURNBULL: Okay. But
20 you are familiar with the letter dated June
21 1st?

22 MS. SALZBERG: I am, but the

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1 working -- the drawings that they have been
2 working on are on a 90 foot right-of-way.

3 COMMISSIONER TURNBULL: But we can
4 also ask the Office of Planning that
5 question, also, just to confirm with them. I
6 guess my last question then, well, I've got
7 two more. What is -- the curb setback on M
8 Street to the building then is how far?

9 MR. BARANES: About 18, right?

10 MR. SHER: It's 16 plus three. 16
11 something.

12 MR. SCHEAR: Along M Street it's
13 18.9, I believe.

14 COMMISSIONER TURNBULL: 18.9?

15 MR. SCHEAR: 18.9. And on 4th
16 Street it's 17.5.

17 COMMISSIONER TURNBULL: Now, you
18 mentioned a restaurant at the corner by the
19 Metro, but is there anything else that's
20 going to be on M Street that you see as
21 restaurants or outside cafes or is that
22 mainly going to be on 4th Street?

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1 MS. SALZBERG: We have a -- our
2 hope is that initially it will be on 4th.

3 COMMISSIONER TURNBULL: On 4th.

4 MS. SALZBERG: But we expect to be
5 able to have, you know, active retail as
6 well. And part of the reason that Shalom was
7 saying continuity of retail is so important,
8 we came up with that setback because it is
9 the same that was recently approved for the
10 project next door.

11 COMMISSIONER TURNBULL: Okay.

12 MS. SALZBERG: And because we
13 don't have two sided retail, it's very
14 important for successful retail that it be
15 together and there be a sense of continuity,
16 so it would be in a row.

17 COMMISSIONER TURNBULL: Okay.

18 MS. SALZBERG: So that there is a
19 sense of, you know, a good retail identity
20 there. So that's how we came up with that
21 setback.

22 COMMISSIONER TURNBULL: Okay. It

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1 looks like your building is actually setback
2 a little further than the one on the --

3 MR. BARANES: There is a
4 difference of about 3 feet.

5 COMMISSIONER TURNBULL: So you are
6 back a little?

7 MR. BARANES: We're back just a
8 little bit further than they are, that's
9 correct.

10 COMMISSIONER TURNBULL: Okay.

11 MR. BARANES: Yes, they are
12 setback 1 foot from the property line and
13 we're setback 3 feet from the property line.

14 COMMISSIONER TURNBULL: Okay.

15 MR. BARANES: And then at the
16 upper floors, they extend an additional 4
17 feet out beyond the property line. So when
18 you look down the street, you'll -- it will
19 appear as if there are balconies are
20 basically 7 feet beyond the face of our
21 building.

22 COMMISSIONER TURNBULL: Okay. The

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1 other thing on the east and west buildings
2 for 4th Street, in that same letter from Mr.
3 Etzkorn he talks about they would like to see
4 LEED silver certification on those buildings.

5 Is that your goal?

6 MR. BARANES: Yes, absolutely,
7 that is our goal. We -- one of the reasons
8 we haven't outlined it in complete detail is
9 because in order to achieve that, you have to
10 include all the tenant work and the only
11 thing that we are working on right now is the
12 shell and core of the building.

13 COMMISSIONER TURNBULL: Okay.

14 MR. BARANES: And then once the
15 tenant work drawings are completed, which
16 will be some time after we start
17 construction, we will be able to compile a
18 complete package and complete submission for
19 that goal.

20 COMMISSIONER TURNBULL: Do you see
21 on the other buildings, maybe if not going
22 totally to silver, are you getting

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1 certification on -- LEED-certification on the
2 other buildings?

3 MR. BARANES: On the two
4 residential buildings?

5 COMMISSIONER TURNBULL: Yes.

6 MR. BARANES: Right now, those two
7 buildings it's interesting, those two
8 buildings are tough. Right now, we have been
9 able to get to a point where we are quite
10 certain we can get up to about 21 of the 26
11 points that are required for certification.
12 And our goal is absolutely to get to the 26,
13 but we're not there yet.

14 COMMISSIONER TURNBULL: Okay.

15 MR. BARANES: Okay.

16 COMMISSIONER TURNBULL: Okay.
17 Okay. I think, Mr. Chair, those are some of
18 the questions that I've got right now. I may
19 have a couple more, but thank you.

20 VICE CHAIR HOOD: Thank you. Mr.
21 Parsons, do you have any questions?

22 COMMISSIONER PARSONS: I just want

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1 to say how impressed I am with the change in
2 this project and what a vastly improved
3 project it is from the last time. It just,
4 as you say, has a sense of community about
5 it.

6 I'm looking at the two office
7 buildings on M Street and wondering if those
8 might come forward as residential in the
9 future. I mean, what is it that brings you
10 to office buildings in this location as
11 opposed to residential? I'm sure it's
12 economics, but I would rather have your
13 answer than mine.

14 MR. SCHEAR: The answer and maybe
15 I'm going to give you answer and you're going
16 to give mine, but the -- we're really coming
17 up with a mix of uses. A mix of uses that
18 will be complimentary to one another. A mix
19 of uses that will support the retail and we
20 think that the combination of uses as well as
21 using up the physical space that we have come
22 up with the best plan of uses.

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1 You said what would lead us there?

2 We definitely believe there will be demand,
3 additional demand for office space on the
4 site. It's immediately adjacent to the Metro
5 Station, so we think it will work out well
6 for the overall mix of the project and the
7 office buildings would be a success there as
8 well.

9 COMMISSIONER PARSONS: So it isn't
10 you are into a pending additional lease with
11 the District that hasn't come to fruition? I
12 mean, you don't have a potential tenant here,
13 you are just presuming that office is the
14 best use?

15 MR. SCHEAR: That's correct.
16 There are no current other active
17 negotiations and based on the phasing, we
18 would see these projects, the office projects
19 coming on several years after the completion
20 of the first four buildings in the first
21 phase.

22 COMMISSIONER PARSONS: All right.

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1 Mr. Baranes, I'm struggling to find the
2 sheet now, but I'm looking at the roofs of
3 the residential towers. Something you didn't
4 emphasize in your presentation for obvious
5 reasons, but what are we going to do about
6 the need for individual air conditioning
7 units on the roofs of residential towers? I
8 mean, it's Sheet 1.16. I'm sure it's your
9 favorite drawing in your diagrams, but I
10 guess there is no alternative for you as an
11 architect to treat a roof but like this.

12 MR. BARANES: Well, you know, it's
13 actually an interesting dilemma, because we
14 originally designed this building to have a
15 central mechanical system and we had
16 something you probably would not have liked
17 which was an 18 foot 6 inch penthouse across
18 the whole roof that extended out to one of
19 the outside walls and, therefore, did not
20 follow the 1:1 setback.

21 The reason we have -- we are
22 looking at this system here is because we are

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1 dealing with an existing structure. It's
2 concrete. It's post-tension. We're in the
3 process of entraining it right now. And we
4 don't know that it can -- we couldn't know
5 for sure that could accommodate the central
6 system. So this is a safer way for us to go
7 and know that we can proceed.

8 It's lighter in terms of weight.
9 It requires a much smaller penthouse and most
10 of these units are only about 4 feet high.
11 So they would be just hidden behind the
12 parapet wall and would really not be visible
13 to a pedestrian. And of course, the downside
14 is that they --

15 COMMISSIONER PARSONS: But there
16 is no way to squeeze this to get -- I mean,
17 the views from the top of the building,
18 especially on the west side would be
19 spectacular.

20 MR. BARANES: I agree, yes.

21 COMMISSIONER PARSONS: And why you
22 can't get some kind of amenity here for the

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1 residents to get up on the roof? It's just
2 not possible with this system?

3 MR. BARANES: We have tried
4 stacking them. We explored the possibility
5 of -- because it has been done in certain
6 areas, but we could not, from an engineering
7 standpoint, make that work here. Stacking
8 them one above the other would have obviously
9 opened up some roof space.

10 COMMISSIONER PARSONS: Well, keep
11 trying. I think that's the weakest part of
12 the project, at this point.

13 MR. BARANES: Yes.

14 COMMISSIONER PARSONS: And that's
15 pretty minimal. I mean, it's a detail.
16 Another thing, I think you ought to take a
17 look at and we won't discuss it now, but I
18 think you probably will need a few more
19 lights in the area of the Metro Station. It
20 seems just those ones along the street --
21 what we learned on Pennsylvania Avenue is if
22 you're going to plant shade trees of that

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1 nature, that you should have some lighting
2 beneath them as well. I think it's not going
3 to be adequate as the trees mature.

4 MR. BARANES: Okay. We'll look at
5 it again. We do have lighting there, but we
6 will certainly look at that again.

7 COMMISSIONER PARSONS: Yes, on the
8 diagram it says lighting, benches with
9 lighting. And I didn't know whether that
10 lighting was to occur within the benches. It
11 wasn't really showing the other drawing or it
12 was supplemental lighting from above or what.

13 MR. BARANES: We had mentioned
14 integrated light fixtures in the benches and
15 then we also have the pole lamps outside the
16 tree area along the curb.

17 COMMISSIONER PARSONS: You might
18 need more.

19 MR. BARANES: Okay.

20 COMMISSIONER PARSONS: That's all
21 I have, Mr. Chairman.

22 VICE CHAIR HOOD: Okay. Thank

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1 you, Mr. Parsons. Mr. Sher, let me start
2 with you. In your submittal, in your
3 analysis, you mentioned the Comprehensive
4 Plan the one that was recently approved by
5 the Council. Help me, direct me, other than
6 page 9, direct me to where this projects fits
7 as opposed to the Comprehensive Plan, other
8 than around Metrorail Stations higher than
9 this.

10 I understand that, but help guide
11 me to somewhere else that -- where this
12 project fits within the Comprehensive Plan.
13 With the Comprehensive Plan, this is a
14 project we should move forward. Help me.
15 Just point me to one single -- other than
16 page 9.

17 MR. SHER: In the, what is this,
18 prehearing submission dated March 30th
19 beginning on page 20 of the book itself, we
20 have done a more complete analysis of
21 policies and objectives that the project
22 deals with, including those from the land use

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1 element, the transportation element and I
2 believe we have the housing element and the
3 environmental protection element, the
4 economic development element, this goes from
5 page 20 through pages, well, I'm still
6 turning and I'm up to 43.

7 So including the lower Anacostia
8 Waterfront and your southwest area element,
9 which talks about leveraging new development
10 in the Waterfront planning area to create
11 amenities and benefits that serve existing
12 and new residents, it's paragraph 1508.6 of
13 the plan. "Create new mixed-use
14 neighborhoods on vacant or under-utilized
15 waterfront lands, particularly on large
16 contiguous publicly owned waterfront sites,"
17 which this is not, but "A substantial amount
18 of new housing and commercial space should be
19 developed reaching households of all income
20 type sizes and needs." That's paragraph
21 1508.3.

22 And then specifically paragraph

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1 1511.12 "Support the redevelopment of
2 Waterside Mall with residential office and
3 local serving retail uses. The site should
4 be strengthened as a retail anchor for the
5 surrounding southwest community. It's
6 redesign should restore 4th Street Southwest
7 as far to the city street grid and improve
8 aesthetic circulation and connectivity to
9 surrounding uses."

10 VICE CHAIR HOOD: What page is
11 that on?

12 MR. SHER: It's on page 43 of that
13 book.

14 VICE CHAIR HOOD: Okay. Okay.
15 Thank you. You know, originally in 2003, I
16 had an issue with the traffic pattern on 4th
17 Street, but I think that has been solved
18 since the Convention Center. I kind of try
19 to visualize how things are going to work.
20 My concern and I will raise it again, because
21 DDOT, obviously, didn't say anything then or
22 say anything now about the proximity to the

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1 street.

2 As some of you may recall, the
3 street to the entrance of the Metro with a
4 little slant, that was the issue in 2003. It
5 was not addressed by DDOT. They seemed to
6 not have a problem and it's obviously not an
7 issue now, but it was an issue for me. And
8 I'm talking about safety of pedestrians
9 moving back and forth and coming in and out
10 of the Metro Station. But obviously, just
11 for the record, that was a concern.

12 And it seems just to be the way
13 things are happening, especially when I look
14 at the Convention Center site. The other
15 thing is let me talk about the meeting room.

16 Obviously, you have had some dealings with
17 the ANC and the Southwest Neighborhood
18 Association.

19 What about some of those other
20 groups in the neighborhood? Would they have
21 access, Mr. Schear? Would they be able to,
22 whomever, utilize the room as something for

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1 them also? Because everybody is not a part
2 of the ANC. Everybody is not a part of the
3 Southwest Neighborhood. Some people don't
4 know they even meet. You know, they have
5 their own groups.

6 MR. SCHEAR: Well, we would be
7 able to make those available beyond those two
8 groups.

9 VICE CHAIR HOOD: So it would be
10 available for --

11 MR. SCHEAR: Yes.

12 VICE CHAIR HOOD: -- community
13 groups to be able to use?

14 MR. SCHEAR: That's correct.

15 VICE CHAIR HOOD: Again, back to a
16 question and I'm not exactly sure I'm going
17 to ask it exactly how Mr. Parsons did,
18 because I'm looking for an answer that I can
19 understand. The unit mix. I, too, wanted to
20 know how did we get office on M Street as
21 opposed to the residential piece. How did we
22 say well, residential here maybe in the east

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1 and west towers, even though if you have ever
2 been in those buildings, it looks like it's
3 residents, even when the Environmental
4 Protection Agency was there.

5 It's a very difficult building to
6 maneuver in. But I will say that I'm just
7 curious how we got that mix.

8 MR. BARANES: Okay. You know
9 what's interesting about those two towers is
10 that when they were originally designed, they
11 were designed as residential.

12 VICE CHAIR HOOD: Did they ever
13 serve as residential?

14 MR. BARANES: No.

15 VICE CHAIR HOOD: Okay.

16 MR. BARANES: No. But it's
17 interesting that they were -- that the use
18 was converted to office, but the plan
19 remained the same more or less. And it was a
20 little bit of a challenge for us, actually,
21 getting residential in there, because the
22 units were-- residential units were much

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1 bigger back then and so the building is a
2 little deep for the kinds of units we would
3 like to do today.

4 Nevertheless, we are, essentially,
5 restoring one of the -- the original use back
6 to those buildings. We tried laying out
7 offices in those buildings. As a matter of
8 fact, we had this in Stage 1 and the
9 buildings are just way too thin to work
10 properly as office buildings, plus the floor-
11 to-floors are very tight.

12 Now, the reason we decided to
13 place residential uses on the northeast and
14 the northwest parcels, again, is because
15 that's -- that part of our site is -- faces
16 the park directly to the north, so it's a
17 very nice open area which gives very nice
18 views to the residents. And plus, it's set
19 deeper into the residential community of
20 southwest.

21 Whereas, the south side faces M
22 Street, it's very commercial, a lot more

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1 traffic and it just seemed to make a lot more
2 sense to build on that character and
3 reinforce it and try to make it somewhat
4 vibrant by putting retail at the base and
5 office space up above.

6 VICE CHAIR HOOD: Okay. Let me
7 just ask and I'm also looking at the
8 distribution of the affordable housing
9 component. And let me just give you a
10 scenario. If I am one of the recipients and
11 I -- west tower, I guess, is what 12 foot --
12 11 -- 10 floors. If I'm in the west tower on
13 the 10th floor, would I be -- is the
14 affordable housing going to go that high? In
15 other words, am I going to be able to get a
16 unit on the west tower on the 10th floor?

17 MR. BARANES: The affordable
18 housing will be distributed. We haven't
19 decided yet where to place individual units
20 of affordable. We haven't decided where to
21 put all of the one bedrooms versus the two
22 bedrooms. So it's a little early to be

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1 answering that question.

2 VICE CHAIR HOOD: Okay. But I
3 would like an answer. I just would like to
4 know. Am i going to be able to, in the
5 affordable housing component, get one of
6 those units on the 10th floor of the west
7 tower? You don't have to answer it now, but
8 I do want to know. Okay. You don't have to
9 answer now.

10 The other thing is, Mr. Quin, the
11 signage. I probably shouldn't bring this up.

12 My colleague didn't talk about the signage,
13 so maybe I shouldn't bring it up. Do you
14 have a problem with this? Okay. When I
15 looked at the signage and maybe it's just for
16 us for demonstration purposes, but I thought
17 that the signage was, at least the way I
18 perceived it, way too big on 4th Street.

19 But those are things, I guess,
20 that can be worked out. I do know you want
21 to identify, but when I looked at the size of
22 the font and of the letters from -- and

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1 again, it may just be for our representation
2 for us to view, I think it was way too large.

3 Hopefully we're not going there with the
4 signage.

5 MR. BARANES: We will comply with
6 the signage regulations of the District. I
7 mean, at this stage, we're not anticipating
8 requesting any special approvals, but if we -
9 - I think if we get tenants who demand that,
10 then we probably will come in with a request
11 for a waiver. But at this stage, we're not
12 anticipating that.

13 VICE CHAIR HOOD: Okay. So that
14 was just for representation purposes?

15 MR. BARANES: Yes.

16 VICE CHAIR HOOD: Okay. Mr.
17 Baird, when I look at your traffic report and
18 the level of service, I guess when the
19 Environmental Protection Agency moved out,
20 the level of service must have really
21 improved, because I'm looking at the 6th and M
22 and 3rd and M and I'm looking here, unless I'm

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1 reading this incorrectly, at No. 12. I'm
2 actually on page 30 of your submittal.

3 And as I looked at it and I'm
4 looking at No. 12, for example, and this is
5 kind of where the M Street kind of curves,
6 where the curve is where some people are
7 asked for a setback. I will tell you that I
8 was shocked to see, unless I'm -- I don't
9 understand it, the level of service was A,
10 a.m. and p.m.

11 MR. BAIRD: A couple of factors
12 are yes, the -- when they left the traffic
13 did -- the volumes did go down from our
14 previous report. But, yes, it -- this is
15 what is out there today, the predominant
16 movement is on M Street/Main Street and the
17 green time is allocated towards that and
18 that's what we were seeing both in field
19 operations when we were out there as well as
20 in our capacity analysis.

21 VICE CHAIR HOOD: Okay. So since
22 -- I guess since that institution has left,

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1 the federal institution has left, the level
2 of service has increased at 4:00 and 5:00 in
3 the evening. I haven't been down in a while,
4 so I don't know. So that's why I'm looking
5 at your data. Level service A?

6 MR. BAIRD: Correct.

7 VICE CHAIR HOOD: Has the
8 northwest -- northeast and northwest towers
9 been torn down or has anything been -- any
10 movement going on over there right now?

11 MR. QUIN: I believe there is some
12 interior removal going on of hazardous
13 materials, but there has been no substantial
14 exterior demolition.

15 VICE CHAIR HOOD: Again, the whole
16 site is going to be demolished with the
17 exception of the east and west towers?

18 MR. QUIN: That's correct.

19 VICE CHAIR HOOD: The way I
20 understand it. Okay.

21 MS. SALZBERG: Currently, we are
22 doing interior demolition. As soon as the

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1 existing tenants, CVS and Bank of America,
2 are moved out to trailers, which should be
3 within the month, we will demo their sites
4 and as soon as we get permission we will demo
5 the site and it should be, what, around
6 October?

7 VICE CHAIR HOOD: Now, how is that
8 going to work? I know in 2003 when we looked
9 at this, there was a 17 year lease with one
10 of the -- the grocery store. When you start
11 the building, how is that going to work? Are
12 they going to be -- is it going to be a
13 phase? How are they going to be able to
14 exist for the neighborhood? And I know that
15 was a concern then. And how has that been
16 worked out now?

17 MS. SALZBERG: The grocery store?

18 VICE CHAIR HOOD: Right.

19 MS. SALZBERG: The grocery store
20 will continue in operation. We have -- we
21 are in regular contact with them and they
22 will continue in operation. We are

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1 negotiating a lease with them and we are very
2 close to move them into the next building.
3 They will stay open the entire time.

4 VICE CHAIR HOOD: Okay. That's my
5 point.

6 MS. SALZBERG: Either in their
7 existing space and we hope that they will
8 exercise -- execute a lease and will move
9 into a new space.

10 VICE CHAIR HOOD: Okay.

11 MS. SALZBERG: Off of 4th Street.

12 VICE CHAIR HOOD: Okay. Mr. Quin,
13 you mentioned early on about some of the
14 things you conformed to and you mentioned
15 about having -- and Office of Planning's
16 report, is this OP's report? No, in the DDOT
17 report. It says "The PUD application
18 changed. DDOT recommends that any
19 flexibility to increase parking space only be
20 granted after separate review and approval by
21 the Board of Zoning Adjustment and relevant
22 District agencies."

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1 And I think I was understanding
2 you to say that you all could not conform to
3 that and why. And I missed that.

4 MR. QUIN: Yes, first of all, the
5 only part of the PUD that's before you for
6 final approval is the Stage 2 part that deals
7 with the four existing buildings. I mean,
8 the two existing buildings and the two new
9 office buildings. So that the other
10 buildings behind that, we do not know all the
11 needs for each of those uses.

12 In other words, we can't put -- if
13 you looked at the entire PUD, we couldn't
14 today tell you precisely what the parking
15 plan will be. We have stated in our
16 application generally where we think it
17 should be. But what we have said is that for
18 Stage 2, which is the one before you, and we
19 gave you a table for that, that we would have
20 a maximum of 745 parking spaces.

21 And what we had calculated in the
22 statement and actually maybe I'll have Mr.

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1 Fraley answer that in more detail, is that
2 the -- we had a minimum number of spaces and
3 DDOT, who had previously at the last -- at
4 the original approval, had approved our
5 parking plan, but is now saying that we can't
6 go above minimum without going to the BZA.
7 And we are saying that that's not workable.

8 Now, Mr. Fraley, have I missed
9 something or anything else?

10 VICE CHAIR HOOD: Okay. Again, I
11 think this was answered, but I may cover it.

12 The January -- June 1st, which my colleague
13 alluded to, DDOT report, you saw some of the-
14 - I think they had four -- you answered one,
15 but I have some additional, I just want to
16 make sure we touch on all of them. I think
17 we also touched on for the applicant's public
18 space in review. I think we have been to
19 that.

20 But even though you say it was a
21 mistake, we need to make sure we get
22 clarification, maybe the Office of Planning

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1 may be able to help us, but I would like to
2 also make sure through the Office of Planning
3 that DDOT exactly knows whether it's 110 or
4 90, unless you all, Office of Planning would
5 come to you and you can just vouch for them.

6 But it would be good to have it in writing
7 in the record and straight.

8 So, okay. That's all I have at
9 this time. Anything, Mr. Turnbull?

10 COMMISSIONER TURNBULL: Yes.
11 Thank you, Mr. Chair. I just wanted to go
12 back over one thing. You had brought it up
13 talking about the grocery store and I was
14 just going back. I think the applicant's
15 latest submittal and I want to -- it sounds
16 like you're really trying to work with the
17 neighborhood on the grocery store. I mean,
18 it sounds like the space that you're
19 designing is going to be a bigger store.
20 It's going up to 55. What is it now, 35,000
21 or 30,000 square feet? And it's going to be
22 55?

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1 MS. SALZBERG: I think it's -- is
2 it 30? It's 30,000 right now.

3 COMMISSIONER TURNBULL: It's
4 30,000 and you're looking to 55,000?

5 MS. SALZBERG: Right.

6 COMMISSIONER TURNBULL: And as we
7 talked about the phasing, you said you're
8 going to -- they're going to -- the lease
9 will continue until 2020 and you're looking
10 to try to renew a lease or get a different
11 lease for the new facility. You made the
12 caveat also in there. It's sort of like even
13 if there was another one that came into the
14 neighborhood, another grocery store, are you
15 anticipating that?

16 MS. SALZBERG: No.

17 COMMISSIONER TURNBULL: Is that
18 just --

19 MS. SALZBERG: What we are
20 anticipating is getting this lease complete.

21 COMMISSIONER TURNBULL: Okay.

22 MS. SALZBERG: We are very close.

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1 And being able, when we open the buildings
2 on 4th Street, to move the existing grocery
3 store into 4th Street. That's what we are
4 anticipating. However, until the lease is
5 signed and they have all of -- I mean, they
6 have --

7 COMMISSIONER TURNBULL: No.

8 MS. SALZBERG: -- an existing
9 lease, as you know.

10 COMMISSIONER TURNBULL: Yes.

11 MS. SALZBERG: There is nothing
12 that we -- I mean, we cannot force them to
13 move. So for -- I mean, we can't do anything
14 on M Street until they move.

15 COMMISSIONER TURNBULL: Right.

16 MS. SALZBERG: So it behooves us
17 to try to get them to move. What we have
18 said is that we are not going to build that
19 space, the additional space unless they agree
20 to move, but we will also not use that
21 additional space for anything else without
22 coming back to you. We have no plans other

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1 than to use -- to put a grocery store in that
2 location.

3 COMMISSIONER TURNBULL: Grocery.
4 Well, I guess I'm just trying to -- it was
5 complimenting that. It has always been a
6 very hot issue with the neighborhood. They
7 are very concerned about having a grocery
8 store and it sounds like you are trying your
9 best to work that through.

10 MS. SALZBERG: We are truly trying
11 our best. We had hoped to be able to come
12 tonight waving a lease and we are really
13 close, but we're not quite there yet.

14 COMMISSIONER TURNBULL: Well, I
15 just wanted to commend you on --

16 MS. SALZBERG: Thank you.

17 COMMISSIONER TURNBULL: -- your
18 efforts. Thank you. I guess the only other
19 thing, and I would agree with Commissioner
20 Parsons, we've seen one or two other projects
21 that we struggled with the roof plan where
22 all the units are up on the roof. And I

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1 think Mr. Parsons' concern that there was an
2 opportunity here to use some of the roof and
3 it's sort of like one of these -- it's sort
4 of like fighting cancer. And the technology
5 is almost there, but not quite.

6 And so I would echo his concerns
7 that if there is any way that you could sort
8 of clean up some of that roof on the
9 residential units, but I know you're
10 struggling with the existing structure. But
11 I know what you are dealing with, but it's --
12 in the greening of the District, it would be
13 we would like to see it. But I know what you
14 are dealing with. Thank you.

15 COMMISSIONER PARSONS: Does this
16 project have to go through the review of the
17 Commission of Fine Arts, because it's a
18 District project?

19 MR. QUIN: No, it's not
20 technically a District project in that sense.

21 COMMISSIONER PARSONS: Well, good.

22 MR. QUIN: Thank you.

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1 COMMISSIONER PARSONS: Well, I
2 just feel a need to congratulate you, Mr.
3 Baranes. I just think the 4th Street solution
4 is masterful. It really is. The east tower,
5 the facade and fenestration is absolutely
6 elegant. I mean, the shade structures over
7 the windows are just very refined and the
8 fact that you didn't duplicate that on the
9 other side of the street and chose to use a
10 palate of color is just a perfect solution.

11 And the banding on those windows
12 is very creative. And I just -- we're not a
13 fine arts commission here, but I just wanted
14 to tell you it's fabulous in my view.

15 MR. BARANES: Thank you. I would
16 like to pass some of the credit onto my
17 colleagues here.

18 COMMISSIONER PARSONS: All right.

19 MR. BARANES: Dan Sturm and Emily
20 Emrick.

21 COMMISSIONER PARSONS:
22 Congratulations.

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1 MR. BARANES: Thank you.

2 VICE CHAIR HOOD: I don't want to
3 put a damper on those good compliments that
4 Mr. Parsons just said, but let me ask a
5 question. When I get off of the subway at
6 the Metro Station, this is probably a
7 question for Office of Planning, too, at
8 Columbia Heights, I'm used to how it used to
9 look. And I will tell you, I've been up
10 there and when I first got off the Metro and
11 looked up, I started trying to think well,
12 did that come in front of us or was it BZA
13 who did all that.

14 But I will tell you it does take
15 some getting used to, if you follow what I'm
16 saying. When you come out the Metro and
17 there's these huge buildings that never been
18 there. And I don't know if the neighborhood
19 feels that way, but it does take some getting
20 used to. When you haven't seen the height
21 and it just feels like the walls -- is this
22 the same?

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1 My question is is this the same
2 type? When I get off at Waterfront and I
3 come out of the Metro, am I going to -- is it
4 going to be that same feeling? If you
5 haven't done it, it would be nice to go up
6 there and get that feeling. And since you're
7 in this line of work, I would think you would
8 already kind of understand what I'm saying.

9 MR. BARANES: I do understand what
10 you're saying. Actually, sometimes I think
11 that can be a very dramatic experience, but
12 nevertheless --

13 VICE CHAIR HOOD: Oh, it was, but
14 it took me a while to get used to it.

15 MR. BARANES: However, I think we
16 have a somewhat different situation here,
17 because the -- you know, fortunately or
18 unfortunately, the escalator will be placed
19 not on the private side of the property line,
20 but in the right-of-way. What used to be the
21 4th street right-of-way.

22 VICE CHAIR HOOD: Um-hum.

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1 MR. BARANES: So when you come up
2 out of those escalators, you'll actually be
3 not looking directly at the building, but
4 looking north on 4th Street. So the building
5 will be there. You surely will have a very
6 clear sense for it. If you look at 7.7 of
7 the drawing, it's a site plan.

8 VICE CHAIR HOOD: Is this the --
9 oh, 7.7.

10 MR. BARANES: If you could see
11 where the escalators are there and those
12 escalators, actually, as they come up don't
13 come up into the facade of the building.
14 They come up into an open space.

15 VICE CHAIR HOOD: Okay. All
16 right.

17 MR. BARANES: Yes, that's the view
18 from the escalators.

19 VICE CHAIR HOOD: Yes, I just
20 wanted to know the experience that people are
21 going to get, so it will be like the same
22 experience you get up at Columbia Heights.

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1 Okay. Thank you. Any other questions,
2 colleagues? Okay. Ms. Schellin always looks
3 out for me.

4 ANC-6D, Max Skolnik, do you have
5 any cross examination? Okay. Could we find
6 a place for him at the table for cross
7 examination? That's good. Mr. Quin is nice
8 enough, Mr. Skolnik, to give you a seat, his
9 seat. Oh, you substituted with questions.
10 Well, maybe he wasn't nice enough to give you
11 -- okay. there you go.

12 MR. SKOLNIK: Good evening. I
13 feel very outgunned here, at this table is a
14 lot of folks. My name is Max Skolnik. I'm
15 the Commissioner for 6D01, which is the
16 neighborhood in which half of the project is
17 located. I just had a few questions.

18 The first one was about the 4th
19 Street reopening. In terms of the tradition
20 of the L'Enfant plan and opening up that
21 street and opening up the vista, are there
22 issues with that building overhang on the

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1 east building in terms of maintaining the
2 vista from 4th Street Northwest all the way
3 down to 4th Street Southwest?

4 MR. BARANES: Yes, there are
5 issues. And we have looked at those very
6 carefully and actually spent a considerable
7 amount of time, as I mentioned earlier,
8 reviewing those with the Historic
9 Preservation Review Board staff, specifically
10 David Maloney.

11 We actually, at one point, had a
12 different design for that building on the
13 east side where the 94 foot roof was not set
14 back to recognize the 90 foot line that was
15 set forward at the face of the bay that we
16 currently have. And Mr. Maloney made a
17 similar comment to us that you just made and
18 in thinking about it, we looked at the
19 portrait gallery on F Street where,
20 essentially, you have the portico of the
21 building as an attachment to a large block.

22 And that portico, a portico is a

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1 porch, sits in the right-of-way. And it's
2 actually quite a dramatic ribbon feature and
3 it works quite well. You understand the
4 right-of-way, you understand that that's an
5 attachment to the building that sits in the
6 right-of-way. It has -- takes a fairly
7 sculptural quality.

8 So we look at that and basically
9 based on that concept develop what you see
10 here today, which is the main block is set
11 back just as a portrait gallery is and then
12 the rest of it that protrudes beyond is
13 treated as a portico, as an added element to
14 the building. So it's a way of recognizing
15 both geometries basically.

16 MR. SKOLNIK: Okay. How would you
17 categorize the impediment? I mean, how much
18 of the view is obstructed? If you're looking
19 up north say from 4th Street below M Street
20 and you're looking up the block, what are you
21 going to see?

22 MR. BARANES: Okay. If you were

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1 standing on the sidewalk, say you're standing
2 on the north end of 4th Street and you were
3 standing on the east side of -- on the
4 sidewalk on the east side of the street
5 directly up against the building, in that
6 instance, that would be worst condition.

7 I would say that maybe 15 feet of
8 the view would be blocked. However, the
9 moment you move slightly west on that
10 sidewalk, your view would actually open up
11 considerably, because the pitch point that we
12 have designed is 90 feet, but it actually
13 widens out to about 120 feet as you move
14 south. So there is a funnel-like effect that
15 gives you a wider view, a wider view shed
16 from certain vantage points, but a slightly
17 narrower one from the east sidewalk.

18 MR. SKOLNIK: Okay. So the final
19 decision you guys made was on a design? This
20 was the best design you felt and without
21 losing as much of the view as possible? I
22 mean, was there -- were there alternative

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1 designs that would maximize that view? That
2 would still be acceptable to you?

3 MR. BARANES: The problem with
4 alternative designs, of course, you know,
5 we're trying to maintain the density that we
6 have.

7 MR. SKOLNIK: Um-hum.

8 MR. BARANES: And the problem with
9 maintaining the density is that -- and
10 pushing everything back to the line, that I
11 think you are suggesting, would be that it
12 would make the courtyards between the office
13 building and the residential tower that is
14 130 feet 15 to 20 feet narrower, which we
15 didn't feel was the appropriate thing to do
16 and no one else felt that was the appropriate
17 thing to do either.

18 MR. SKOLNIK: Okay. In terms of
19 the exterior facade, you talk about terra
20 cotta and you also mentioned that terra cotta
21 has not been used for quite some time. And
22 many of the buildings in the area are -- have

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1 a lot of brick face. Given that, would you
2 be willing to change to brick face? What was
3 your design imperative with terra cotta?

4 MR. BARANES: I'll tell you, we've
5 spent the last two years trying to convince
6 our client to use terra cotta as opposed to
7 brick. Terra cotta is considerably more
8 expensive than brick. It's -- you know, the
9 wonderful thing about it you see it all over
10 Europe in historic districts. It's used on
11 new buildings to compliment historic
12 buildings.

13 It's just an extraordinary
14 material and it's just being introduced into
15 this region. We have seen it used. If you
16 look at some of -- if you go, for example, up
17 to Boston and you look at the campus at
18 Harvard where again you have a similar
19 condition with some very old brick buildings
20 with some new buildings recently added, and
21 the material of choice is often terra cotta,
22 because it speaks to both traditions.

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1 You know, it captures the natural
2 quality of the brick. It captures the
3 richness of the brick. It captures the
4 handmade quality of the brick. The color
5 range that you get in it and yet when you
6 look at it, you understand that the way it's
7 made today, it's a contemporary material.

8 So it's a wonderful way to relate
9 those traditions without necessarily just
10 having to use the same material over and over
11 again. And as I mentioned earlier, the
12 buildings in southwest did use terra cotta,
13 but they used it in a different way. They
14 were not flat panels. They were terra cotta
15 tiles used as screens on porches on the high-
16 rise buildings.

17 So again, I think we have just an
18 incredible opportunity here to use terra
19 cotta as the right material. Plus, I told
20 our clients if we don't use the terra cotta,
21 we wouldn't get approval.

22 MR. SKOLNIK: Right. I mean, I

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1 think it certainly is a great material. I
2 guess my question is more along the lines of
3 as you are walking down the street, I think
4 we all agree that we want to have an
5 integrated project here that integrates into
6 the rest of the community. This is really
7 going to stick out.

8 I mean, with all the glass and the
9 terra cotta and I think, you know, certainly
10 it looks very nice. But if I'm walking down
11 from, you know, Main Avenue and looking at
12 the other buildings in southwest, is this
13 going to be really, I don't want to say an
14 eyesore, that's a bad -- that's very
15 insulting of me to say it to an architect.
16 But I mean, is it going to really be quite
17 distinctively different?

18 MR. BARANES: I think it will be
19 different. I mean, we're certainly not
20 trying to replicate any of the buildings that
21 were built in the '60s or '70s. We're trying
22 to do something that feels like it's very

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1 much of our time and yet feels coordinated
2 with what you see there with the other
3 buildings.

4 You know, we have built several
5 new buildings in Georgetown and, you know, we
6 have used very modern materials, very
7 different materials than what you see in
8 historic buildings. And you can look at our
9 buildings in Georgetown, they look very
10 different. You can tell they were designed
11 and built recently. And yet, they establish
12 a time line.

13 You know, they relate to the old
14 buildings and yet, they bring the time line
15 forward. So I don't like to think that they
16 are eyesores and I don't think that these
17 will be eyesores.

18 MR. SKOLNIK: Yes.

19 MR. BARANES: But I think you will
20 see the same kind of juxtaposition here
21 between old and new that you see in some of
22 our other work around town.

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1 MR. SKOLNIK: Okay. I had a
2 question about the affordable housing
3 component. I don't know who is the best
4 person to answer that.

5 MS. SALZBERG: I guess I am.

6 MR. SKOLNIK: Okay. Mr. Schear
7 was saying that the amended PUD would include
8 1.2 million square feet of housing, 400,000
9 of which would be delivered now or developed
10 now and then 800,000 would be developed at a
11 later date. There is a possibility that the
12 northwestern most building may not be
13 residential? Is that -- and how would that
14 fit in with the filing and what would be the
15 other factors that would determine whether or
16 not that would be the case? How would that
17 affect the --

18 MS. SALZBERG: Initially, what we
19 would like is the option depending on market
20 conditions for the northwest building to go
21 to be either residential or office. So what
22 Mr. Schear stated, it will be up to 1.2

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1 million square feet of residential, because
2 it could be 800,000 or up to 1.2 million, if
3 we are given the right to make the northwest
4 building either office or residential.

5 MR. SKOLNIK: How would that
6 significantly affect the affordable housing
7 component?

8 MS. SALZBERG: It wouldn't. And
9 to make sure that it wouldn't, what we did
10 was we agreed the first 400,000 square feet
11 that we build and that NCRC builds to put in
12 the affordable housing for the project.

13 MR. SKOLNIK: Okay. Will that
14 also affect the distribution of affordable
15 housing? Would the housing become more
16 concentrated if that northwestern one is not-
17 -

18 MS. SALZBERG: It would be the
19 same.

20 MR. SKOLNIK: Okay.

21 MS. SALZBERG: I mean, we're going
22 to -- the units will be spread among our

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1 400,000 and they will be spread among NCRC's
2 400,000.

3 MR. SKOLNIK: Okay. I just had
4 two more questions about the traffic study
5 and then that's it. I guess, Mr. Baird. One
6 thing I didn't hear, one of the concerns that
7 we raise in the ANC is the traffic coming on
8 to that pedestrian access roads, the two
9 along the east/west access. Was there any
10 study or any kind of forecast done of what
11 would be the expected traffic and would that
12 affect the enjoyment or access that
13 pedestrians might have along that plaza?

14 MR. BAIRD: Yes, we did look at
15 that, those two private drives, and, in fact,
16 we designed them through the whole design
17 process that was one of the main focuses is
18 to make sure it was more pedestrian-oriented
19 as opposed to vehicular-oriented, that it was
20 raised, that it was a different texture, it
21 was more of you feel like you are in the
22 wrong place when you are driving on it

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1 residentially.

2 It's one-way out away from 4th
3 Street, so there won't be two-way traffic.
4 It will only be to get to the residential
5 towers. And there is a small amount of
6 traffic peak hours, roughly 10 trips during
7 the peak hour. A very small amount. Most of
8 the people living in these towers we are
9 anticipating are going to be utilizing the
10 Metro. And again, it's one-way, so a.m. it's
11 going to be even smaller than that. So ball
12 park figures.

13 MR. SKOLNIK: In terms of your
14 experience, would that -- in a similar type
15 of situation, do you foresee any kind of
16 safety issues with the pedestrians and the
17 cars sharing a very similar type of space?

18 MR. BAIRD: Not warranting any
19 safety. We're putting in as many features as
20 we can to make sure it is known as a
21 pedestrian-oriented place. Again, a lot of
22 those features to do such are to raise the

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1 level of the driveway to make it up to the
2 pedestrian level, so again you feel like you
3 are on a sidewalk when you are basically
4 driving. The texture, so you feel like you
5 are riding on cobblestones on most, bollards
6 so when people are coming out of the Metro,
7 they know they are also coming into an area
8 where there are going to be vehicles.

9 So again, I think we are putting
10 as much forth as we can to make sure that the
11 pedestrians and vehicles know that this is a
12 different place. It's not a through street.

13 It's not a street for pedestrians to
14 basically -- or vehicles to just travel on.

15 MR. SKOLNIK: Just one final
16 question on that, I guess, to the developers.

17 One of the concerns of the ANC is that we
18 really are able to maintain that space as for
19 programming and have it as a large open-type
20 of plaza. Do you foresee any difficulties in
21 terms of shutting traffic down and allowing
22 it for pedestrian only at any given time?

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1 What are your sort of other experiences with
2 projects like this in terms of sharing that
3 space between cars and pedestrians?

4 MS. SALZBERG: You're talking
5 about the street --

6 MR. SKOLNIK: The east/west.

7 MS. SALZBERG: -- that runs --
8 yes.

9 MR. SKOLNIK: Yes.

10 MS. SALZBERG: We anticipate we
11 will be able to close it down for functions.

12 MR. SKOLNIK: Okay. And that the
13 residents can -- there are other alternative
14 routes they can --

15 MS. SALZBERG: Yes, there's
16 another way.

17 MR. SKOLNIK: Right.

18 MS. SALZBERG: -- make it.

19 MR. SKOLNIK: Okay. The final
20 question I had was the traffic rating for 4th
21 Street south of M. Why was it rated F after
22 the build-out? What was the reasoning for

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1 that?

2 MR. BAIRD: South of?

3 MR. SKOLNIK: South of M Street
4 coming in from the south.

5 MR. QUIN: Chad, use the mike.

6 MR. BAIRD: Oh, sorry. I just
7 want to clarify which one you are talking
8 about.

9 MR. SKOLNIK: I'm talking about
10 this.

11 MR. BAIRD: We had made some
12 recommendations. I'm not sure if you have
13 the most recent traffic study. We do have an
14 E on that approach, which is acceptable in
15 D.C., with an overall of C and D at that
16 intersection. There is a mitigation that we
17 had recommended there from a level of service
18 standpoint which was signal timings. We have
19 worked with the land configuration on the
20 north side and south side. We haven't
21 changed it much, just the south side
22 approach.

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1 But one of the recommendations
2 that we had made was today there is two
3 through lanes eastbound on M Street and we're
4 recommending to DDOT to make three through
5 lanes. Currently it is two through, a left
6 and a right. Our recommendation was to
7 change that right turn lane only on to 4th
8 Street to a through right during peak hours
9 and that changed the level of service of what
10 we're showing.

11 MR. SKOLNIK: Okay. Thank you.

12 VICE CHAIR HOOD: Finished?

13 MR. SKOLNIK: Yep.

14 VICE CHAIR HOOD: Okay. Good.
15 All right. Thank you, Commissioner Skolnik.
16 Next, we had the party in support,
17 Carrollsburg Square, and I think they are
18 going to be represented by Mr. Baker. No,
19 this is cross examination. I'm sorry.
20 That's what we're doing now. We're doing
21 cross examination. Do you have any cross
22 examination? Maybe I should ask that

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1 question first. So that's who is going to be
2 representing you through cross examination.

3 What's your name again?

4 MS. BEETON: Kathleen Beeton.

5 VICE CHAIR HOOD: Turn your
6 microphone on.

7 MS. BEETON: All right.

8 VICE CHAIR HOOD: Spell your last
9 name for me, also.

10 MS. BEETON: My name is Kathleen
11 Beeton, B, as in boy, double E-T-O-N. And I
12 live at 319 N Street, S.W.

13 VICE CHAIR HOOD: Okay. Ms.
14 Beeton, you will be representing Carrollsburg
15 Square?

16 MS. BEETON: Yes, yes.

17 VICE CHAIR HOOD: Okay.

18 MS. BEETON: I will be. Thank
19 you.

20 VICE CHAIR HOOD: Okay. Thank
21 you. This is cross examination.

22 MS. BEETON: Okay. Thank you very

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1 much for the opportunity. We appreciate
2 having been granted party status. I do have
3 a couple of questions, actually a series, and
4 I would like to ask a follow-up question to
5 the one that the gentleman from the ANC
6 raised a moment ago regarding the cross
7 streets or the street connections of the new
8 streets that are being proposed to service
9 the two residential towers.

10 I heard an answer about closing
11 down those streets for events in the future,
12 that it would be possible to close those
13 down. And I think that would be good for the
14 community to hear, because one of the
15 concerns we have is about the amount of
16 public gathering space and festival space and
17 open space, in general, in our community.

18 However, I'm wondering if the
19 residents who will be moving into these
20 towers will be made aware that there is a
21 potential that these streets could be closed.

22 I think we living in a condominium property,

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1 we often learn things not exactly in a timely
2 fashion and it would helpful to know that the
3 residents may expect that those streets will
4 be closed in the future.

5 VICE CHAIR HOOD: Ms. Beeton, let
6 me just say you gave us a lot before you got
7 to the question.

8 MS. BEETON: Sorry.

9 VICE CHAIR HOOD: Let's try to get
10 right to the question.

11 MS. BEETON: I'll be more
12 specific. Okay.

13 VICE CHAIR HOOD: Thank you.

14 MS. SALZBERG: The answer is we
15 would notify our residents that the streets
16 are going to be closed.

17 MS. BEETON: Okay. Thank you. I
18 also have a question about the retail. We
19 strongly support retail, but we have
20 questions about the increase going from
21 75,000 square feet to 110,000 square feet of
22 retail. We were wondering if there was a

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1 market analysis done? How did the applicant
2 determine to go from 75,000 to 110,000? We
3 want to make sure it's successful and we're
4 just curious about what their market analysis
5 may have yielded.

6 MS. SALZBERG: We initially looked
7 at going to 110,000, because the neighborhood
8 requested that we do so. We then did a
9 market analysis and, frankly, we have been
10 out in the public at the International
11 Shopping Center Convention. There is
12 tremendous interest in this retail.

13 MS. BEETON: Okay. Thank you.
14 Thank you. I have a question regarding the
15 traffic study that was done. I'm wondering
16 about the assumptions regarding Metro
17 ridership. I am wondering what percentage
18 you anticipate the residents and office
19 workers who will be in this space, what sort
20 of Metro ridership you anticipate they will
21 have?

22 MR. BAIRD: Our traffic study

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1 through the scoping document that we prepared
2 with DDOT was roughly 80 percent, which is in
3 -- a reduction, which is in line with WMATA's
4 recent ride-share study that they submitted,
5 I think it was 2005, which basically looks at
6 residential, I'm going off memory here, at
7 about 20 percent vehicular and I want to say
8 office was around 21 or 22 percent vehicular
9 with again the others split between Metro,
10 Metrobus, walking and bicycling.

11 MS. BEETON: So taking from that,
12 we can infer that Metro ridership will be
13 high at the site? That's the assumption of
14 the traffic study?

15 MR. BAIRD: That's correct.

16 MS. BEETON: Okay.

17 MR. BAIRD: And also as part of
18 that, we have submitted a TDM, Transportation
19 Demand Management Program, to help enhance
20 and make sure that those goals can be met.

21 MS. BEETON: Okay. Thank you. I
22 have a question regarding parking and parking

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1 spaces. One of the -- I'll try to make this
2 brief. How will the proposed parking spaces
3 for the residents be allocated to residents?

4 MR. SMITH: My name is David
5 Smith, Development Manager with Forest City.

6 I live at 2020 12th Street, N.W., in
7 Washington, D.C. The parking for the
8 residential customers will be on a first-
9 come, first-serve basis as needed. We
10 anticipate that the parking demand will be of
11 a certain level and that we are providing
12 that amount of parking for the residents.

13 MS. BEETON: Okay. Mr. Baranes
14 mentioned that the open space that will be
15 remaining behind the Waterside Mall when it's
16 redeveloped, when 4th Street goes through, he
17 referred to the pocket parks and that the
18 applicant would be maintaining those. Will
19 any improvements be made in addition to the
20 maintenance of them?

21 MR. BARANES: Actually, could you
22 clarify which spaces you are talking about?

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1 MS. BEETON: Certainly. I am
2 referring to the spaces that will be -- there
3 is a park behind the Waterside Mall
4 currently. 4th Street will go through and
5 then the remaining pocket parks on either
6 side of 4th Street. How will those be -- you
7 mentioned being maintained, but I'm wondering
8 if there is any redesign going to be proposed
9 or improvement to them once the street goes
10 through.

11 MR. BARANES: Okay. I'm going to
12 defer this question to Mr. Fraley.

13 MR. FRALEY: Gordon Fraley with
14 Vornado, Charles E. Smith. The park to the
15 north of us is not owned by us and it's
16 actually outside the boundaries of our PUD.
17 However, it is anticipated that for the road
18 to go through, which is going to be the
19 District's obligation to put that road
20 eventually through that park, something will
21 have to be done with it, with those edges
22 that remain. And the edges that remain will

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1 be what we have committed to maintain.

2 MS. BEETON: So just a follow-up,
3 whatever is done with those, you will
4 maintain them. You may not design them,
5 somebody else may design what's left over,
6 but you will be maintaining it?

7 MR. FRALEY: Right.

8 MS. BEETON: All right. A
9 question about affordable housing. Will the
10 affordable housing that is being proposed in
11 the towers be rental or owner-occupied?

12 MS. SALZBERG: We have not yet
13 decided whether it will be -- it will depend
14 on the nature of the building. If we build a
15 rental building, it will be rental. If we
16 build a for-sale building, it will be owner-
17 occupied.

18 MS. BEETON: Okay. I'm sorry, I
19 wasn't clear. I was referring to the
20 existing towers that are going to be
21 converted to residential.

22 MS. SALZBERG: We have not yet

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1 decided that whether -- we have an option to
2 either build them as for-sale or rental.

3 MS. BEETON: Okay. And you will
4 decide at a later date?

5 MS. SALZBERG: Yes.

6 MS. BEETON: Okay. Is that -- is
7 there an agreement that you have to reach
8 with LRC to do that or is that something the
9 city monitors?

10 MS. SALZBERG: No. We --

11 MS. BEETON: It's strictly up to
12 you in the market?

13 MS. SALZBERG: It's up to the
14 market.

15 MS. BEETON: Okay.

16 MS. SALZBERG: But there will be
17 affordable units in either circumstance.

18 MS. BEETON: Okay. All right.
19 You mentioned moving the grocery store to 4th
20 Street, I guess, when the building is torn
21 down, when the lease is through or their
22 agreement is met. Where on 4th Street would

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1 be grocery store be moved to?

2 MS. SALZBERG: In the first floor
3 of the building. The first office building
4 on the east side of 4th Street. Do we have a
5 rendering?

6 MR. BARANES: A slide.

7 MS. SALZBERG: A slide? You can
8 have your presentation back. Oh, sorry.

9 MR. BARANES: The grocery store
10 will be located in this area that you see
11 right here.

12 MS. BEETON: Okay. So the
13 building will be demolished, existing
14 footprint of the Safeway will be demolished
15 and it will be relocated then to the shell,
16 essentially, that you are creating when you
17 build the building?

18 MR. BARANES: That's correct.

19 MS. BEETON: Okay.

20 VICE CHAIR HOOD: Do you want to
21 turn your microphone off? We definitely want
22 to get that part. You said thank you. We

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1 want you to turn your microphone off. Okay.

2 All right. Okay. Now, the party in
3 opposition, if you have any cross
4 examination, Tiber Island, which is in
5 opposition, and Mr. Michael McGovern is the -
6 - oh, wait a minute. Do I have the wrong
7 person? I'm sorry.

8 MS. SCHELLIN: He is the one who
9 is listed as being the representative for the
10 party, yes. Cross examination.

11 VICE CHAIR HOOD: Okay. So Mr. --

12 MR. GREENBERG: Mr. Chairman, I'm
13 Paul Greenberg. I'm the President of Tiber
14 Island Cooperative Homes. And I live at 430
15 M Street, S.W. And before asking any
16 questions, I would like to just clarify our
17 relationship to the proceeding. I know that
18 you have indicated a few times that we are
19 identified as being in opposition to the
20 proposal.

21 I would like to just make clear
22 that our correspondence with the -- asking

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1 for -- seeking party status specifically
2 states that we are opposed to certain aspects
3 of the First-Stage PUD Modification and the
4 partial Second-Stage PUD application, but we
5 support the project in principle.

6 VICE CHAIR HOOD: Okay. So we
7 would --

8 MR. GREENBERG: And I just think
9 that's helpful, so we --

10 MS. SCHELLIN: Well, actually,
11 Item No. 3 clear states the parties seek to
12 participate as parties opposed to certain
13 aspects, so that's why you were listed that
14 way.

15 MR. GREENBERG: That's fine.

16 VICE CHAIR HOOD: We've got a
17 headway here, so you just have some concerns.

18 So I will refrain from saying opposed. I
19 will say in support with issues.

20 MR. GREENBERG: That's fine, Mr.
21 Chairman.

22 VICE CHAIR HOOD: Okay.

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1 MR. GREENBERG: I just think it's
2 helpful that everybody understand that we are
3 -- our position is a little more nuance than
4 simply saying that we oppose the application.

5 VICE CHAIR HOOD: Okay.

6 MR. GREENBERG: We recognize --

7 VICE CHAIR HOOD: And I understand
8 like what Ms. Schellin was saying, we were
9 going by what we had submitted.

10 MR. GREENBERG: And it has both
11 support and oppose in the same paragraph, so
12 it is a little bit difficult.

13 VICE CHAIR HOOD: Okay.

14 MR. GREENBERG: But I think we're
15 clear now.

16 VICE CHAIR HOOD: Okay.

17 MR. GREENBERG: Now, I have got a
18 few questions with relationship to the width
19 of the sidewalk along the north side of M
20 Street. And I guess this is directed to Mr.
21 Baranes. In the applicant's initial
22 discussions with the neighborhood, the

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1 proposed width for the sidewalk was fully 22
2 feet back from the curb. Is that correct?

3 MR. BARANES: Yes, I believe so.

4 MR. GREENBERG: The -- and that
5 was the position of the applicant for several
6 years, was it not?

7 MR. BARANES: That was the width
8 that we showed in the initial Stage 1
9 submittal.

10 MR. GREENBERG: Okay. I know you
11 testified that your, I think I'm quoting you
12 here, goal was to create a sense of
13 continuity for the retail space on the north
14 side of the street by reducing the 22 foot
15 sidewalk to what is now something slightly
16 less than 19 feet. And that that was done in
17 part or actually directly as a result of the
18 action of this Commission in approving a 19
19 foot sidewalk setback on the Marina View
20 Towers Project.

21 MR. BARANES: Well, I would say
22 that was one of the two primary reasons. It

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1 seemed to us that, first of all, aligning the
2 buildings would be a good thing to do
3 urbanistically. And then secondly, in doing
4 that, we were capturing that additional space
5 for the new west plaza that we are creating
6 on the north side of that office building,
7 which -- and that's a space, that's a plaza.

8 It's also open to the public. It
9 essentially gives a little more separation
10 between the office building and the
11 residential buildings.

12 MR. GREENBERG: Yes, but the issue
13 of continuity of the sidewalk could have been
14 achieved if the -- you know, with the full 22
15 foot sidewalk if the Zoning Commission had
16 not approved the shorter sidewalk for the
17 Marina View Towers Project. Is that true?

18 MR. BARANES: Yes.

19 VICE CHAIR HOOD: That was a
20 question for us or was that for him?

21 MR. GREENBERG: But following up
22 on that, the -- and I just want to make sure

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1 that I understand this correctly. I think
2 you commented that the Marina View Towers
3 Project, you know, has a 19 foot setback from
4 the street for the sidewalk, but that the
5 building actually projects fully 7 feet
6 further out over the sidewalk?

7 MR. BARANES: Thank you. I have a
8 cheat sheet here. Their -- the primary face
9 of their building above the first floor is
10 setback 1 foot from their property line.
11 Then they have a 5 foot extension from that
12 building face with balconies and these occur
13 above the first floor. So, essentially, when
14 you look at their building above the retail
15 or actually it's above the second floor, they
16 are 4 feet over the property line.

17 And in terms of that relationship
18 to our building, we are 3 feet behind the
19 property line, so the addition of the 3 and
20 the 4 give us the 7 foot differential above
21 grade.

22 MR. GREENBERG: I'm sure you have

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1 spent a lot of time in the neighborhood
2 observing the current planting parameters of
3 the properties that are there. In your
4 experience, has it been your impression that
5 most of the high-rise buildings in the
6 property currently are anywhere from 25 to 40
7 feet from the curb?

8 MR. BARANES: Yes.

9 MR. GREENBERG: So would it be
10 fair to say that the -- what has been
11 approved at the Marina View Towers' property
12 is a very dramatic change in the character of
13 the neighborhood?

14 VICE CHAIR HOOD: Yes, let me say
15 this. The Marina View Towers, I'm not -- get
16 to your point, because I think that was
17 another case. We're talking about Waterfront
18 here, so I would like to focus on Waterfront.

19 And you keep dwelling about what we did with
20 Marina. That's done.

21 MR. GREENBERG: I appreciate that.

22 This is actually my last question about --

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1 VICE CHAIR HOOD: No, no. I want
2 you to just --

3 MR. GREENBERG: -- the sidewalk
4 question.

5 VICE CHAIR HOOD: -- stick with
6 the project in front of us tonight. And I
7 don't know how you do it, you keep bringing
8 up what the Commission did with the Marina
9 View Towers. We know what we did, but stick
10 to this project for me.

11 MR. GREENBERG: Okay.

12 VICE CHAIR HOOD: Help me with
13 that.

14 MR. GREENBERG: Okay.

15 MS. SALZBERG: If I could just
16 jump in here for a minute? In terms of the
17 sidewalk, as the client, we were talking also
18 about bringing the building out, because you
19 heard a question earlier about successful
20 retail. We are responsible for the retail.
21 It is, as I said earlier, much easier to have
22 successful retail when you have both sides of

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1 the street.

2 When you don't have retail on both
3 sides of the street, if you don't have a 25
4 to 40 foot sidewalk, which is much more
5 appropriate for a residential side of the
6 street and you are trying to activate retail,
7 you want an active streetfront. You want an
8 active sidewalk. You want more people on it
9 in front of our stores.

10 So, therefore, we encouraged our
11 architect and asked that he bring the street,
12 the building closer to the street.

13 MR. GREENBERG: Okay. Comparing
14 the PUD as it was approved in 2003 to the
15 current PUD application and specifically with
16 regard to the buildings that are along M
17 Street, the current PUD Modification that has
18 been proposed actually has a larger
19 horizontal facade facing M Street than it did
20 in the PUD that was approved in 2003, doesn't
21 it?

22 MR. BARANES: That's correct.

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1 MR. GREENBERG: And looking at the
2 drawings that you have provided for the
3 Commission that show not only your property,
4 but also the Marina View Towers' property and
5 the property to the east, you know, at the
6 time that the First-Stage PUD was approved,
7 there was -- was there any indication that
8 there were going to be these large high-rise
9 buildings to the east and to the west of your
10 property in this development?

11 MR. BARANES: No, at the time, we
12 had no indication as to what was going to
13 occur to the east and the west.

14 MR. GREENBERG: Okay. So would it
15 be fair to say that the -- that what we are
16 confronting now and what the Commission is
17 now considering is a very significantly
18 expanded horizontal wall and vertical wall of
19 buildings along the north side of M Street
20 compared to what had been considered in 2003?

21 MR. BARANES: Well, if you look at
22 just our property, for example, about 30

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1 percent of it is still open. You know,
2 rather than just having the 90 foot right-of-
3 way of 4th Street intersect M, it's really
4 that 90 feet plus an additional,
5 approximately, 80 feet for the plaza. So we
6 have an opening there that's about 170 feet
7 wide.

8 But the answer to your question, I
9 think, has more to do perhaps with the notion
10 that, you know, suddenly what we are seeing
11 here, it's a very fortunate thing I think in
12 many different respects, is we have an
13 evolving street. It's evolving into what was
14 originally anticipated, I think, in the
15 Southwest Plan, which was an active town
16 center.

17 An effort was made to design it 40
18 or 50 years ago. It failed. I think it
19 failed because there was too much open space
20 along M Street. There was a lack of
21 continuity. There was an idea about putting
22 parking spaces there as opposed to retail at

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1 the edge of the sidewalk. And it didn't
2 work. And what we are proposing today, I
3 think, will be a much more successful town
4 center concept in the spirit of the original
5 plan.

6 MR. GREENBERG: I believe in your
7 testimony you commented for the Commission
8 that the towers at Tiber Island or the towers
9 on the south side of the street did not have
10 windows facing the Waterfront property. Is
11 that correct?

12 MR. BARANES: I believe that the
13 two north faces of those two towers do not
14 have any apartment unit windows facing north.

15 MR. GREENBERG: Okay. I can tell
16 you as somebody who knows Tiber Island well
17 that certainly that's true with the north
18 building at Tiber Island. And I don't know
19 whether we will have testimony from the
20 people at Carrollsburg later, but I believe
21 they have some units that actually do have
22 windows facing north. But --

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1 VICE CHAIR HOOD: Let me just say
2 this. I see some gestures already, but I'm
3 going to beat them to the punch. This is
4 cross examination, Mr. Greenberg, as you well
5 know. I have seen you before. This is the
6 time when you again just ask questions. That
7 part you can do in your testimony when you
8 come up as a party.

9 MR. GREENBERG: Okay.

10 VICE CHAIR HOOD: I'm not going to
11 say opposition, but when you come up as a
12 party wherever, when you come up at that
13 point in time, then you can let us know about
14 that, because that is a question that I
15 actually have, but this is just not the
16 appropriate time.

17 MR. GREENBERG: That's fine, Mr.
18 Chairman. I was going to ask this question.
19 Isn't it true that there is a building at
20 Tiber Island that is -- has a 4th Street
21 address that actually has more than 30 units
22 that face the buildings that you are going to

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1 be constructing on M Street?

2 MR. BARANES: I believe that's
3 correct.

4 MR. GREENBERG: In your testimony,
5 you commented that you were -- you had in
6 this particular application to modify the
7 PUD, you had increased the height of the
8 buildings on 4th Street in the center of the
9 property, so that you would provide greater
10 public spaces and visual access into the
11 site. If the buildings along -- you know,
12 throughout the property were increased in
13 height, wouldn't it be possible to achieve
14 the same floor area ratio and provide even
15 greater public space and visual access into
16 the center of the site?

17 MR. BARANES: Yes, it would be.

18 MR. GREENBERG: You commented, I
19 believe, in your statement that you had
20 spoken to the Office of Planning about
21 constructing higher buildings and I think
22 it's accurate to say that you have spoken

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1 with neighborhood people as well about taller
2 buildings. And you commented that the Office
3 of Planning had actually asked you to lower
4 the heights of the buildings along M Street.

5 Is that correct?

6 MR. BARANES: That's correct.

7 MR. GREENBERG: What did they say?

8 MR. BARANES: They felt that --
9 what we had originally proposed was 120 feet
10 at the two corners there. And they felt that
11 the 112 feet was more appropriate in terms of
12 the adjoining conditions to our site.

13 MR. GREENBERG: During what period
14 were they making this comment to you?

15 MR. BARANES: This is the -- was
16 it 2003 that -- this is when we filed. When
17 we were preparing our initial Stage 1
18 submittal.

19 MR. GREENBERG: Have there been
20 any more recent discussions with OP about
21 increasing the heights of the buildings
22 following your discussions with the

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1 neighboring property owner?

2 MR. BARANES: No, we have not
3 pursued that.

4 MR. GREENBERG: Okay. With regard
5 to the so-called bay on the building on 4th
6 Street, if you were standing in the middle of
7 4th Street at the -- on the south side of M
8 looking north up 4th Street, roughly how much
9 of 4th Street would be obstructed by this bay?

10 MR. BARANES: None of 4th Street
11 would be obstructed by this bay, as 4th Street
12 exists north of M Street up to K Street.

13 MR. GREENBERG: Okay. How much of
14 the visual -- how much of the right-of-way
15 that would be visible if 4th Street were
16 continuous in its historic alignment is going
17 to be obstructed -- would be obstructed by
18 the bay if you were standing south of M
19 Street looking north?

20 MR. BARANES: Well, it would be
21 half of 20 feet, which I believe would be 10
22 feet on the east side.

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1 MR. GREENBERG: Okay. So the bay
2 projects only 10 feet beyond the historic
3 property line?

4 MR. BARANES: The bay projects 20
5 feet beyond the 90 -- the line of the 90 foot
6 right-of-way that we have created. And so if
7 you were standing in the middle of the
8 street, I'm trying to think of whether the
9 answer would be 10 feet or 20 feet that would
10 be obstructed looking north.

11 MR. GREENBERG: Okay. Fair
12 enough.

13 MR. BARANES: It's one of those
14 two.

15 MR. GREENBERG: Having observed
16 the landscaping plan for the street though,
17 you're proposing to put very large trees in
18 front of the building, are you not?

19 MR. BARANES: We're proposing to
20 place trees there that are consistent with
21 the trees that exist north and south of our
22 property on 4th Street.

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1 MR. GREENBERG: So would it be
2 fair to say as a practical matter that once
3 the trees are mature, somebody who was
4 standing on the south, you know, on 4th Street
5 below, south of M, is not going to be able to
6 see anything north of your property?

7 MR. BARANES: Well, if they were
8 standing in the middle of the street, they
9 would be able to see north of our property.

10 MR. GREENBERG: Okay.

11 COMMISSIONER TURNBULL: Mr.
12 Chairman, I wonder if I can just comment on
13 the whole 4th Street alignment. We're dealing
14 with a straight that has got a Metro Station,
15 so automatically you cannot get the same
16 alignment that you would have if it wasn't
17 there. So I think we're dealing with a
18 theoretical view and viewshed looking up 4th
19 Street. What we need to realize is that
20 because of the location of the Metro, the
21 applicant has tried to place the street to
22 work around that.

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1 I guess I'm a little frustrated by
2 dealing with an obstacle that's there. And
3 you have to deal with it. So, yes, because
4 Metro is there and the street is out of
5 alignment, it's not going to be the same
6 view. Now, I guess it's just a tiresome
7 exercise that we're going through on this
8 whole process of the viewshed and looking up
9 the L'Enfant Plan.

10 I mean, everybody wants to try to
11 redo the L'Enfant Plan and keep the viewshed
12 and everything else, but given the fact that
13 we have a physical feature that is
14 interrupting it, and I'm sure the Office of
15 Planning can comment upon that, that you are
16 dealing with a theoretical concept. And you
17 are dealing with something that you can never
18 align truly and you can never align the
19 setbacks totally right, at least on that one
20 side.

21 So it's just a little frustrating
22 to keep going over this. I mean, I think

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1 let's accept the Metro Station. Let's accept
2 the fact that 4th Street has to have a slight
3 skew to it and just go on.

4 VICE CHAIR HOOD: Thank you,
5 Commissioner Turnbull. Mr. Greenberg, are
6 you finished?

7 MR. GREENBERG: I'm finished, yes.

8 VICE CHAIR HOOD: Okay.

9 MR. GREENBERG: Thank you.

10 VICE CHAIR HOOD: Thank you.
11 Okay. Ms. Schellin, am I leaving -- no, I
12 think we're ready to move on to the Office of
13 Planning?

14 MS. SCHELLIN: Yes.

15 VICE CHAIR HOOD: Okay. The
16 report of the Office of Planning.

17 MR. JESICK: Thank you, Mr.
18 Chairman and Members of the Commission. My
19 name is Matt Jesick. I would like to note
20 for the Commission that a representative from
21 DDOT is present. Mr. Chris Delfs is the Ward
22 6 Transportation Planner. And he is

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1 available to add his testimony and respond to
2 questions.

3 VICE CHAIR HOOD: Mr. Jesick, let
4 me, I notice in your report and if you could,
5 if anybody else -- I understand that somebody
6 from DDOT is here, but I don't know if you
7 had other Government agencies. If you can
8 allude to that, too, in your report? I'm
9 sure you plan on doing that anyway.

10 MR. JESICK: Certainly.

11 VICE CHAIR HOOD: Okay. Thank
12 you.

13 MR. JESICK: As has been
14 discussed, the applicant is seeking approval
15 for a modification to a First-Stage PUD, a
16 Related Map Amendment and a partial Second-
17 Stage PUD. Along with those requests, the
18 applicant is seeking some zoning relief and
19 some flexibility to adjust the plans in the
20 future.

21 The Office of Planning is
22 recommending approval of the PUD application

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1 and the associated relief. The Comprehensive
2 Plan does support the application. Several
3 of the guiding principles apply to this
4 project. The project is a redevelopment near
5 a Metro site. The project will promote
6 multi-modal travel. It will provide
7 affordable housing and environmental
8 sustainability. And it will enhance a
9 neighborhood focal point.

10 The project is also supported by
11 numerous policies from various other elements
12 of the Comprehensive Plan. The generalized
13 land use -- the generalized policy map of the
14 plan describes the Waterside Mall site as a
15 land use change area and as an enhance to a
16 new multi-neighborhood center.

17 And the future land use map states
18 that the high density commercial and high
19 density residential uses are appropriate for
20 this site. And the project is not
21 inconsistent with those designations.

22 As I said a moment ago, the

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1 applicant is requesting various areas of
2 zoning relief and I have detailed those in
3 the OP report, so I won't go into too much
4 detail about that. The Office of Planning is
5 not -- does not object to the requested
6 Zoning Map Amendment. The site is on top of
7 a Metro Station, so it's appropriate for
8 higher densities.

9 It is on a major street and the
10 proposed zoning is not inconsistent with the
11 Comprehensive Plan designations.
12 Furthermore, the proposed density of the
13 development is well below the C-3-C PUD FAR
14 and it is also, in fact, below the C-3-B
15 matter-of-right FAR.

16 Now, I would like to note that
17 since the Office of Planning report was
18 issued, we have been able to resolve a number
19 of issues with the applicant. One of the
20 issues noted was pedestrian safety,
21 especially at the area where the east/west
22 plaza crosses 4th Street. And the applicant

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1 submitted to the Office of Planning today,
2 and hopefully also to the Commission, a new
3 design for that intersection, which includes
4 pavement treatments, new crosswalks and that
5 intersection will also be signalized. So
6 we're very happy with that redesign.

7 The Office of Planning also wanted
8 to be sure that the application would include
9 the proper amount of affordable housing for
10 those households learning -- earning less
11 than 80 percent of the area median income.
12 While we definitely value the work force
13 housing that the applicant has proposed, we
14 just wanted to insure that 8 percent of the
15 affordable units would be below the 80
16 percent AMI threshold. And the applicant has
17 committed to that as well.

18 We also wanted to be sure that
19 there would be an even distribution of
20 affordable units between the northeast
21 building, the NCRC building and the east and
22 west towers and the applicant has agreed to

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1 that as well.

2 And we will work with the
3 applicant as the Commission discussed earlier
4 to confirm distribution of units within each
5 building and we can get back to the
6 Commission on that.

7 And finally, because of the --
8 because the grocery store location is shown
9 as such on the plans and it is listed as a
10 potential amenity item, the applicant has
11 agreed to OP's request that any change to
12 that use be brought back before the Zoning
13 Commission as a modification to the PUD. And
14 we feel that that is an extra protection for
15 the neighborhood and their desire to have a
16 grocery store.

17 I would like to talk now about the
18 PUD amenity package. And as you know, the
19 amenity package evaluation is based on an
20 assessment of additional development gained
21 through the application process. In this
22 instance, this applicant is gaining 44 feet

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1 in height above the C-3-B matter-of-right
2 level, but, as I mentioned earlier, the
3 development is actually below the C-3-B
4 matter-of-right FAR.

5 And the applicant lists a number
6 of amenity items, including the provision of
7 new right-of-way for 4th Street, the provision
8 of a major local development initiative, the
9 establishment of a retail and town center,
10 the provision of housing and affordable
11 housing and some other items. OP feels that
12 most of these items are legitimate amenity
13 items and that on the whole, the amenity
14 package is commensurate with the amount of
15 relief requested with this application.

16 The Commission did discuss the
17 letter from the Office of Property Management
18 which suggested some permitting space, fee
19 collection space, etcetera, on the ground
20 floor and the Office of Planning feels that,
21 as the Commission stated, these types of uses
22 do not meet the retail vision for 4th Street.

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1 So we can work with the applicant and the
2 Office of Property Management to solidify
3 plans for where those uses will go.

4 Regarding other agencies that have
5 commented on the application, we did receive
6 an email from the Department of Parks and
7 Recreation and they were very pleased with
8 the open space that the applicant has
9 provided on-site. They cited the fact that
10 this neighborhood lacks significant public
11 open space and this would be an amenity for
12 the community.

13 The Department of Parks and
14 Recreation did, however, ask that the
15 applicant consider working with the Amidon
16 Elementary School and another public park in
17 the area about upgrading their facilities. I
18 did ask DPR for more details about that, what
19 types of improvements they were envisioning,
20 and we haven't heard back from DPR, at this
21 point.

22 The Department of the Environment

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1 asked that the applicant consider some design
2 enhancements, including details down to the
3 low goal plumbing fixtures, water efficient
4 irrigation, solar powered lighting. And as
5 the applicant described, they are committing
6 to a significant environmental package for
7 the development.

8 WASA also commented on the
9 application and stated that the applicant
10 should connect to the 90 inch storm sewer
11 line that is currently running under the
12 development and the applicant revised their
13 plans to make sure that that will happen.

14 With that, as I said, the
15 application is not inconsistent with the
16 goals of the Comprehensive Plan and OP
17 supports the requested zoning relief. The
18 amenity package is commensurate with the
19 amount of development relief requested and
20 the outstanding issues have been resolved.
21 The Office of Planning, therefore, recommends
22 that the Commission approve the application.

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1 MS. STEINGASSER: Mr. Chairman, I
2 would also just like to add one -- a
3 technical asterisk that is being worked out.

4 The process by which the reintroduction of
5 4th Street will be done has yet to be
6 solidified between the District and the
7 developer. So the FAR may change, whether it
8 is matter -- the statement that is below the
9 matter-of-right, but the gross square feet
10 will not change nor the program.

11 It's just that mathematical
12 equation may or may not change as a result of
13 whether -- of how that street is reintroduced
14 and transferred to the District. So I just
15 wanted to make that clarification. We'll be
16 providing a supplemental to conclude that.

17 VICE CHAIR HOOD: Also, first let
18 me say, Mr. Jesick and Ms. Steingasser, I
19 really think this report is very thorough.
20 What I appreciate the most is I haven't seen
21 many Office of Planning reports with all the
22 agencies responding. I guess I don't want to

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1 ask how you did it, but keep up the good
2 work.

3 The other thing is you also, Mr.
4 Jesick, may have mentioned it, but Commander
5 Groomes also submitted a letter from the
6 Metropolitan Police Department and she has a
7 series of issues which looking at it quickly,
8 it looks like she has -- they have been
9 addressed. All with the exception of the
10 bottom one which talks about the stadium
11 project and traffic.

12 I don't think that's anything that
13 we need to address here, at least my opinion,
14 but I did want to put that on the record that
15 she had a list of four or five items that
16 were of concern.

17 MR. JESICK: I'm sorry, I did
18 neglect to mention the MPD comments. They
19 stated that they have no objections to the
20 construction, but noted some comments. One
21 of those, as you mentioned, planned to deal
22 with traffic congestion due to the stadium

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1 construction and other construction in near
2 southeast, especially along the M Street
3 corridor.

4 The stadium is due to be finished
5 as we know a little less than a year from now
6 and we feel that that construction traffic
7 will not impact this project, which will be
8 moving forward at a later date.

9 VICE CHAIR HOOD: Okay. All
10 right. Thank you both. Mr. Turnbull?

11 COMMISSIONER TURNBULL: Yes, thank
12 you, Mr. Chair. I just had a question. When
13 we talk about 4th Street, there is -- the
14 applicant is showing finishes in the
15 crosswalks and they are providing the 90 foot
16 right-of-way and I know you said they are
17 still in discussions. Are they building the
18 roadway or is D.C. doing -- is there a --

19 MS. STEINGASSER: I'm going to
20 invite the DDOT representative to come up and
21 address that issue.

22 MR. DELFS: Good evening to the

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1 Commission. Thank you for having us here
2 tonight and providing the opportunity to
3 speak. My name is Chris Delfs. I'm a
4 transportation planner and I work for the
5 District Department of Transportation, so
6 I'll be the representative for DDOT tonight.

7 The 4th Street issue is somewhat
8 of a complicated one and there has been a lot
9 of negotiation about 4th Street over the last
10 weeks and going back a number of years. So I
11 think if the Commission concurs, I would like
12 to maybe start from the beginning and frame
13 the issue a little bit and highlight some of
14 the matters that probably need some more
15 attention and clarification here tonight.
16 And then make myself available for questions
17 from the Commission.

18 VICE CHAIR HOOD: It would be
19 helpful.

20 MR. DELFS: I should probably say
21 from the outset that DDOT is very supportive
22 of the concept plan that has been proposed

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1 for the Waterfront site. And we think that
2 operationally it works fairly well and that
3 the applicant has done a good job in
4 incorporating the proposed alignment and the
5 planned alignment for 4th Street both into the
6 low goal grid, the local transportation
7 network, and it also serves its needs
8 effectively within the development site.

9 However, as noted in the report,
10 there are some concerns that DDOT still has
11 with regards to the 4th Street right-of-way
12 and how we manage the ownership and control
13 and maintenance of that right-of-way in the
14 future.

15 The plan, at this stage, is for
16 the developer to build 4th Street in
17 conjunction with the surrounding construction
18 activity for the buildings on-site. DDOT
19 believes that it's in the best interest of
20 the city to reclaim 4th Street as public
21 property. It is our understanding there has
22 been negotiation in the past about whether

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1 there is Option A, which would be a transfer,
2 a land transfer, fee simple, back to the
3 District and that the District would take
4 control and be responsible for maintenance of
5 the 4th Street right-of-way.

6 Option B was an easement agreement
7 in which the applicant would provide
8 maintenance access to the 4th Street right-of-
9 way. The reasons that DDOT would prefer
10 Option A is because it's important for us as
11 the protectors of the public right-of-way to
12 have -- to not have limits over our access
13 and control that public right-of-way.

14 In addition to that, the easement
15 agreement, while there has been some
16 precedent for this in the past, DDOT
17 perceived this as poor precedent. It sets up
18 a situation where the District is paying to
19 maintain land that it does not own.

20 In addition to that, the funds
21 that would be used for the maintenance of 4th
22 Street, it is our understanding that those --

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1 it would be required to use local dollars for
2 the maintenance of that roadway. If it is
3 taken over as a public right-of-way, then it
4 is possible for DDOT and the city to use
5 federal -- it becomes federally eligible for
6 dollars. Excuse me, it's eligible for
7 dollars from the Federal Government.

8 So for those reasons that we have
9 tried to outline in the report, we think that
10 it is important that we come to an agreement
11 about 4th Street right-of-way and the
12 ownership of that right-of-way.

13 Regardless of what is decided
14 between the city, the District of Columbia,
15 and the applicant, DDOT feels that it is
16 possible to operate that right-of-way
17 effectively. However, if it is an easement
18 agreement, we have been working with the
19 Deputy Mayor's office and with the applicant
20 team to set up a public space to really
21 adhere to our public space permitting process
22 to ensure that all safety standards and

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1 streetscape standards are met for that right-
2 of-way.

3 I do have some other topics that I
4 would like to cover.

5 COMMISSIONER TURNBULL: Do you
6 have any idea when you might reach that
7 agreement?

8 MR. DELFS: Not entirely, because
9 this isn't directly up to DDOT. We have been
10 participants in negotiations going back a
11 number of years, but the agreement will be
12 between the District of Columbia as
13 represented by the Deputy Mayor and the OIG
14 and DDOT has been participating in those
15 negotiations.

16 COMMISSIONER TURNBULL: Let me get
17 back to one of the first questions we asked
18 in the beginning of the hearing or that came
19 up.

20 MR. DELFS: Yes.

21 COMMISSIONER TURNBULL: In your
22 June 1st report.

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1 MR. DELFS: Yes.

2 COMMISSIONER TURNBULL: Is that in
3 error as to 110 foot right-of-way? Is it
4 really 90 foot as the applicant has said,
5 which goes back to the original documents?

6 MR. DELFS: It is not in error. I
7 think it is a situation in which there are
8 differing memories, since this coordination
9 has been going back a number of years.

10 COMMISSIONER TURNBULL: I mean,
11 it's a significant difference.

12 MR. DELFS: It is and I've worked
13 very closely with Mr. Laden who has been
14 involved in this process from the beginning
15 and he has indicated that the 110 foot right-
16 of-way was something that was made clear as a
17 preference early on in the negotiations.
18 However, I would like to make clear that the
19 most important thing for DDOT is to ensure
20 that we meet our infrastructure requirements
21 and the spirit of the functioning of 4th
22 Street.

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1 So provided that there is an
2 acceptable and appropriate arrangement for
3 the maintenance of 4th Street, the 90 foot
4 right-of-way is acceptable to DDOT.

5 VICE CHAIR HOOD: Okay. I know
6 you said you had some more that you wanted to
7 give us, other than what's in your report or
8 you wanted to expound on your report, because
9 we have reviewed it. Other than the four
10 issues, you just mentioned one about the 110
11 feet, that are on the front page if you want
12 to expound on that, some of the concerns
13 which you already have listed.

14 I don't know if we need the -- I
15 appreciate the background. I don't know, you
16 know, where you're going with this, but we do
17 have your report.

18 MR. DELFS: Okay.

19 VICE CHAIR HOOD: And I'll leave
20 it at that. But let's do this, let my
21 colleagues, let me open it up to them and
22 give me a reference and then we'll come back

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1 to you and see where you're going with this.

2 MR. DELFS: Okay.

3 VICE CHAIR HOOD: Commissioner
4 Parsons?

5 COMMISSIONER PARSONS: Well, it
6 seems to me that now this issue of 110 versus
7 90 has been clarified that most of the things
8 in your report that are under your control,
9 do not affect our decision and can proceed
10 independently. Would you agree with that? I
11 mean, crosswalk configurations and that kind
12 of think is really not our business.
13 Certainly whether it is 110 or 90 is our
14 business, because --

15 MR. DELFS: That's correct. And
16 what DDOT would like to do is handle all of
17 those design details through our public space
18 permitting process.

19 COMMISSIONER PARSONS: Certainly.

20 MR. DELFS: But the reason why I
21 took the time to frame the issue on 4th Street
22 is that DDOT needs to have assurance that we

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1 have the ability to review and permit what
2 happens within that right-of-way on 4th
3 Street.

4 COMMISSIONER PARSONS: Oh, I don't
5 think anything we would do that would
6 preclude that. I mean, there's nothing we
7 could do to preclude that. Okay?

8 MR. DELFS: Okay.

9 COMMISSIONER PARSONS: All right.
10 Thank you for coming.

11 VICE CHAIR HOOD: Yes.

12 MR. DELFS: You're very welcome.
13 This is a real pleasure, believe me.

14 VICE CHAIR HOOD: Anything else
15 you want to add?

16 MR. DELFS: Not unless there are
17 other questions about 4th Street. There were
18 a few other elements that were brought up
19 earlier, questions about the parking, about
20 the M Street median break that I would be
21 happy to address, if you would like to take
22 the time on those now.

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1 VICE CHAIR HOOD: I'm not sure who
2 brought them up. The parking I know I
3 brought up and I'm satisfied with where I am.

4 Any other questions? Thank you very much,
5 Mr. Delfs.

6 MR. DELFS: Okay. You're very
7 welcome.

8 VICE CHAIR HOOD: And we
9 appreciate you taking the time to come down
10 to help us with this.

11 MR. DELFS: You're welcome.

12 VICE CHAIR HOOD: At this point,
13 what I would like to do, I'm not sure, how
14 many people plan to testify, whether you are
15 opposed or -- is it now 9:30. I'm doing an
16 assessment here. Each party has requested 15
17 minutes a piece with cross examination, that
18 will probably take us to 10:15. Oh, and I'm
19 sorry, the ANC first and I'm not sure how
20 long their proposal is.

21 MS. SCHELLIN: 15 minutes.

22 VICE CHAIR HOOD: Oh, you know it?

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1 You know, everybody has to help me, it's
2 getting late. I did not do the cross
3 examination of Office of Planning, so let me
4 do that first. Let me back up and then I'll
5 finish that.

6 Mr. Quin, do you have any cross
7 examination?

8 MR. QUIN: I have no cross
9 examination of the Office of Planning. I
10 would like to ask the representative of the
11 Department of Transportation several
12 questions.

13 VICE CHAIR HOOD: Sure. Mr. Delfs
14 didn't leave, did he?

15 MR. JESICK: No, he's still there.

16 VICE CHAIR HOOD: Okay. If you
17 can come back to the table, please, and
18 forgive me.

19 MR. QUIN: Mr. Delfs, are you
20 familiar with the past participation of the
21 Department of Transportation in this matter
22 going back to the original approval?

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1 MR. DELFS: I have not
2 participated myself throughout that entire
3 time. I have been working on this project
4 the last six months, but I have had close
5 contact with Mr. Ken Laden, who has.

6 MR. QUIN: And did not the
7 District of Columbia Department of
8 Transportation concur that the mechanism for
9 using -- for opening 4th Street through an
10 easement was appropriate when they made their
11 recommendation for the original approval?

12 MR. DELFS: That was not the
13 concurrence of DDOT. That was the
14 concurrence of the District of Columbia as
15 represented by the Mayor's office.

16 MR. QUIN: Did not Mr. Laden
17 appear at the original hearing and support
18 the PUD as proposed?

19 MR. DELFS: I'm not sure of the
20 answer to the question.

21 MR. QUIN: Are you aware of the
22 agreement signed by the Deputy Mayor and the

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1 applicant that provided for an easement to be
2 established to satisfy the opening of 4th
3 Street?

4 MR. DELFS: Could you give me a
5 little more information about the agreement?

6 MR. QUIN: Yes. Are you aware of
7 an agreement dated September 27, 2002
8 approving the proposed opening of 4th Street
9 as an easement?

10 MR. DELFS: From what I have been
11 told, that document is no longer legally
12 applicable, because it referred to a previous
13 development project.

14 MR. QUIN: Was that previous
15 development project the First-Stage PUD of
16 this case?

17 MR. DELFS: I'm not sure, but I
18 can find out.

19 MR. QUIN: Thank you. You
20 mentioned in terms of the -- by the way the
21 question -- the agreement that I'm proposing
22 was not 2002, it was 2001.

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1 MR. DELFS: Yes, that's the one
2 that I'm familiar with, the 2001 agreement.

3 MR. QUIN: And did that not call
4 for the easement to be used for establishing
5 4th Street?

6 MR. DELFS: Again, I did not
7 participate, at that time, but my
8 understanding is that is no longer a legally
9 binding document.

10 MR. QUIN: And did someone give
11 you an opinion to that effect?

12 MR. DELFS: Yes, however, I would
13 feel more comfortable if we checked with the
14 D.C. representation.

15 MR. QUIN: Okay.

16 MR. DELFS: With the OAG.

17 MR. QUIN: All right. You
18 mentioned in terms of the width of 4th Street
19 something about 110 feet. Would you describe
20 to the Commission what the width of 4th Street
21 is proposed that you have prepared working
22 construction drawings for?

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1 MR. DELFS: The right-of-way for
2 the working documents is 90 feet.

3 MR. QUIN: And is it your
4 understanding that if you put an easement on
5 property that makes it a public perpetual
6 easement that it would not be maintained by
7 the District of Columbia?

8 MR. DELFS: Could you repeat the
9 question, please?

10 MR. QUIN: I thought you said --
11 let me explain the question and make it into
12 a question. Did you not testify that if
13 there were an easement that established the
14 right-of-way, that the District of Columbia
15 could not maintain the street?

16 MR. DELFS: No, the intent of my
17 comments was that with an easement agreement,
18 the District of Columbia would be paying to
19 maintain a piece of land that it did not own.

20 MR. QUIN: Would it not own the
21 roadway?

22 MR. DELFS: My understanding of an

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1 easement agreement is access for the terms of
2 what is in that easement agreement.

3 MR. QUIN: Are you familiar with
4 alleys in the District of Columbia and how
5 they are created by easement and that the
6 full maintenance is accomplished by the
7 District of Columbia?

8 MR. DELFS: It's my understanding
9 that there is some alleys that are publicly
10 owned and that there are some that are not.

11 MR. QUIN: Okay.

12 VICE CHAIR HOOD: Mr. Quin, let me
13 help this along just a little.

14 MR. QUIN: I think maybe I should
15 just stop at this point and then try to work
16 that out with the --

17 VICE CHAIR HOOD: You must be
18 reading my mind.

19 MR. QUIN: I'm not getting
20 anywhere anyway with the questions perhaps.

21 VICE CHAIR HOOD: Okay.

22 MR. QUIN: Maybe.

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1 VICE CHAIR HOOD: All right.
2 Thank you.

3 MR. QUIN: Thank you.

4 VICE CHAIR HOOD: ANC-6D,
5 Commissioner Skolnik, do you have any
6 questions? Okay. Or Office of Planning? We
7 will do Office of Planning or DDOT, either.

8 MR. SKOLNIK: I'll do DDOT first,
9 sure.

10 VICE CHAIR HOOD: Okay.

11 MR. SKOLNIK: I just simply want
12 to thank DDOT and OP for their very thorough
13 reporting. The DDOT question I had was given
14 the fears of opening up corridors to the
15 baseball stadium, are you guys satisfied with
16 -- is this on? Sorry.

17 VICE CHAIR HOOD: You can
18 continue. It looks like it's on, yes.

19 MR. SKOLNIK: I'm sorry. Is that
20 better? I said given the fears that a lot of
21 residents have about opening of corridors to
22 the baseball stadium, are you satisfied, is

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1 DDOT satisfied with the controls or the
2 changes that have been made that would stop
3 this from -- stop 4th Street from becoming a
4 major thoroughfare?

5 MR. DELFS: We are. DDOT is in
6 part satisfied because we were responsible
7 for the design drawings for the alignment of
8 4th Street and the other characteristics
9 within that alignment. The applicant team
10 has proposed making some adjustments to that
11 alignment and we have not objected to those
12 with the ability to review and approve, but
13 most of those are in support of pedestrian
14 safety.

15 In addition, the parking that is
16 provided on-street, the bicycle lanes, even
17 the bend in the road around the Metro Station
18 we're comfortable that this will function in
19 such a way that will reknit the local grid
20 and will not be a major thoroughfare down to
21 the ballpark.

22 MR. SKOLNIK: Okay. And the

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1 question I had for OP is as a component piece
2 to some of the larger mega development that
3 is going on at the Waterfront, obviously, and
4 at the stadium as well, how do you see this
5 project fitting in with that and what are the
6 kind of controls and management issues that
7 you would foresee happening, given the size
8 of this particular project?

9 MR. JESICK: We feel that this
10 development, the present location of
11 Waterside Mall will function more as the
12 neighborhood center for the immediate
13 residents and maybe some surrounding
14 neighborhoods as well. We feel the
15 Waterfront, the literal Waterfront will be
16 more of a destination, a city-wide
17 destination, whereas the retail functions
18 that -- the every day retail functions that
19 the neighbors need such as the grocery, such
20 as the bank and CVS will be met at this
21 location.

22 MR. SKOLNIK: I guess sort of a

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1 last follow-up, do you see a chain happening
2 where these projects start connecting to one
3 another and start reaching critical mass or
4 do you think that this project can maintain
5 its integrity and not be swept up sort of in
6 the tide of these other mega projects?

7 MR. JESICK: I'm not sure exactly
8 what you are getting at. We feel that the
9 mix of uses on this site, you know, will
10 support the retail along with the adjacent
11 residential uses. We feel this development
12 has, you know, good public open space,
13 private open space, good pedestrian and
14 vehicular movements through and to outside of
15 the site. We feel it is a good solid
16 development. I don't know if that answers
17 your question.

18 MR. SKOLNIK: Okay.

19 VICE CHAIR HOOD: All right.
20 Good. Thank you. Next, Carrollsburg Square,
21 Ms. Beeton? Oh, yes, you should stay. No,
22 no, you're going to be there for a minute.

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1 You're in the hot seat.

2 MS. BEETON: Just a couple of
3 questions. Thank you. One question, I'm not
4 sure who to pose it to, so I'll just ask it.

5 Is there an emergency evacuation plan for
6 southwest?

7 VICE CHAIR HOOD: Okay. Let me,
8 this is germane to this testimony. Did
9 anybody testify on emergency evacuation? At
10 least I didn't hear it, now I may have missed
11 it. This is germane to their testimony --

12 MS. BEETON: Okay.

13 VICE CHAIR HOOD: -- on
14 Waterfront, this case tonight.

15 MS. BEETON: I'll ask some -- I'll
16 ask a --

17 VICE CHAIR HOOD: Maybe there is
18 something you might want to look into later.

19 MS. BEETON: Okay. We'll look
20 into it. With regard to the intersection of
21 M and 4th Streets, are there any pedestrian
22 safety improvements proposed by DDOT?

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1 MR. DELFS: As part of our design
2 plans on 4th Street, we do have upgrades at
3 the intersection, primarily new crosswalks
4 and we're also going to be looking at
5 optimizing the signals for pedestrian safety
6 at that location.

7 MS. BEETON: And will you be
8 optimizing those signals because of the
9 increase in traffic that's anticipated with
10 the development occurring, the Waterfront
11 development that's occurring to the north?

12 MR. DELFS: Well, everything that
13 we do with our signal system is a balance.
14 We want to make sure that we don't harm the
15 progression too badly on M Street where we
16 are causing gridlock, but we also recognize
17 that this is a transforming area and that we
18 want to make sure that we protect the
19 pedestrians that are accessing the
20 development site and waterfront.

21 MS. BEETON: Okay. With regard to
22 the crosswalks you were referring to a minute

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1 ago, there is one existing crosswalk that's
2 the -- I guess it's the south side of the
3 intersection that it connects directly to the
4 Metro elevator, but there isn't one on the
5 opposite side of that intersection.

6 MR. DELFS: Okay.

7 MS. BEETON: Sort of where Tiber
8 Island hits the intersection there and people
9 do cross there all the time. Is that part of
10 the improvements you were referring to a
11 moment ago about actually creating a
12 crosswalk there or no?

13 MR. DELFS: I believe so, but I
14 would have to go back to the actual design
15 plans that our engineers have put together
16 and I would be happy to do that for you.

17 MS. BEETON: Okay. Yes, I think
18 that would be very helpful. Thank you.

19 MR. DELFS: Okay.

20 MS. BEETON: That's it.

21 VICE CHAIR HOOD: Thank you, Ms.
22 Beeton. Next, Mr. Greenberg?

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1 MR. GREENBERG: We have no
2 questions.

3 VICE CHAIR HOOD: You're Mr.
4 McGovern?

5 MR. McGOVERN: I'm McGovern.

6 VICE CHAIR HOOD: Okay. Okay.
7 We'll get it together. I just want to know
8 who is going to be representing Tiber Island
9 or do you all have -- I mean, I can work with
10 it, I just need to know what's happening. If
11 you want me to call Mr. McGovern or Mr.
12 Greenberg? And I'm sure you have it all
13 planned out and you have it together, I just
14 want to make sure I'm on the same page.

15 MR. McGOVERN: Is this on? Can
16 you hear me? No. Okay. Press, okay, okay.

17 I'm Michael McGovern. I'm the attorney for
18 Tiber Island. I was prepared to argue on
19 standing today in party status, but you
20 solved the problem, Mr. Chairman, by allowing
21 Tiber Island and Carrollsburg to be parties
22 and the individuals not to be parties.

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1 When it came time to test -- to do
2 cross, Mr. Greenberg preferred to do the
3 cross.

4 VICE CHAIR HOOD: Okay.

5 MR. McGOVERN: Mr. Greenberg will
6 testify.

7 VICE CHAIR HOOD: Okay.

8 MR. McGOVERN: When it comes time
9 for testimony. So my role here is really
10 pretty limited, at this point, but we have no
11 questions of either OP or DDOT.

12 VICE CHAIR HOOD: I understand. I
13 understand. And also, Mr. Greenberg and Mr.
14 McGovern, we want to make sure that you have
15 listed, even though we dealt with party
16 status as you all being opposed, you all are
17 not opposed, which was later clarified to me,
18 so you are all now in support and that's the
19 way I will be carrying it.

20 It has to be -- we need to be one
21 or the other. I mean, but I think from what
22 you said, Mr. Greenberg, you don't have to

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1 necessarily speak, what you said it sounds as
2 though you're going to be in support. That's
3 how you want us to carry it. You can speak.

4 Speak loud enough, so you -- they can hear
5 you on the mike. I was trying to save you
6 from having to get up.

7 MR. GREENBERG: Mr. Hood, I think
8 that it would be more, you know, appropriate
9 to say that we support the redevelopment of
10 the site and we find that there is a
11 significant amount of merit in the
12 development as proposed to the condition.

13 VICE CHAIR HOOD: Okay. Just one
14 clarification, because that's going to
15 dictate when the opposition -- I mean, when
16 the support parties come up to testify. What
17 we're going to do now, we're going to have to
18 disassemble too much. We're actually going
19 to -- from the looks of things and I want the
20 public residents to know that we're going to
21 probably have to do it a different date, an
22 extended date, because when I look at what

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1 the time is and I'm looking at what's
2 probably going to transpire, we're probably
3 going to need an additional date.

4 I just need to find out what that
5 date is we propose. I've talked off-line
6 with Ms. Schellin to next Thursday, I don't
7 know if that's doable. No, that's not
8 doable. I'm being told no already.

9 MS. SCHELLIN: We'll have to
10 discuss it.

11 VICE CHAIR HOOD: Yes, we're going
12 to take a few minutes, because there's only
13 three of us. We're going to take a few
14 moments and we're going to back here and
15 discuss this. Mr. Quin?

16 MR. QUIN: I'm sorry, Mr.
17 Chairman, I just wanted to raise one
18 potential witness and that is that the former
19 member of the City Council is here and I
20 think she is available, if she could possibly
21 testify tonight. I just wanted to raise
22 that.

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1 VICE CHAIR HOOD: Okay. We'll
2 deal with that as soon as we come back.
3 Okay. Thank you. Give us a few moments.
4 Let's not disassemble too much.

5 (Whereupon, at 9:42 p.m. a recess
6 until 9:48 p.m.)

7 VICE CHAIR HOOD: Okay. Here is
8 where we are. Past experience has told us
9 where we are now. We're going to have to
10 probably look at another date and what we're
11 going to do at this -- I think this is a good
12 breaking point for us, because if we get into
13 the ANC report, cross examination, the
14 parties, that would carry us well until after
15 12:00 or so. Past experience tells us that.

16 And I wanted to notify the
17 residents as soon as possible and I'll tell
18 you why, because residents volunteer to come
19 down and participate and they aren't paid and
20 they stay here all night and, you know,
21 sometimes they are the last ones and I wanted
22 to do this early enough or as quick as

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1 possible when we could get a sense of timing
2 and be fair to everyone. And I'm hoping that
3 the dates that we will propose everyone can
4 come back to testify.

5 The only exception tonight that
6 I'm going to make in this case, I'm going to
7 ask the former Council person, Ms. Jarvis, if
8 she can make her way to the table to testify.

9 Out of respect for the former position of a
10 Council Member and I said this earlier, I've
11 never had a former Council Member come down.

12 And we always let our Council
13 Members, in respect of the work they have
14 done, come down and we know their schedules.

15 Also, Mrs. Schellin, and I hope the ANC and
16 the parties can work -- let's all just kind
17 of listen to the dates, Mr. Quin, and see if
18 we can all hopefully make these dates,
19 because actually I think we have three that
20 we have.

21 MS. SCHELLIN: Two.

22 VICE CHAIR HOOD: Two that we have

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1 proposed. If not, it's going to push us on
2 into July, so let's see.

3 MS. SCHELLIN: The last day of
4 July actually.

5 VICE CHAIR HOOD: Let's see if we
6 can work this out. Okay.

7 MS. SCHELLIN: Our first
8 alternative is next Thursday at 6:30 p.m.,
9 that would be June 14th. Does that work for
10 the ANC? Mr. Greenberg?

11 VICE CHAIR HOOD: It looks like
12 everyone is on --

13 MR. GREENBERG: What are the other
14 dates?

15 MS. SCHELLIN: The alternative is
16 going to be Wednesday, the 20th.

17 MR. GREENBERG: That's better.

18 MS. SCHELLIN: Does it work for
19 the applicant?

20 VICE CHAIR HOOD: So let's back up
21 to the 14th. He asked for the other days. We
22 had everybody looking like they were okay

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1 with the 14th. Mr. Greenberg, if you can come
2 to the table, are you out of town or?

3 MR. GREENBERG: I've --

4 MS. SCHELLIN: You've got to be on
5 the mike.

6 VICE CHAIR HOOD: You need to come
7 to the mike.

8 MR. GREENBERG: I have another
9 commitment, but I certainly can be here if
10 that's the pleasure of the Commission.

11 VICE CHAIR HOOD: Okay. And I
12 think that was the only tickler. And I hate
13 to inconvenience you, but when you get here -
14 -

15 MS. SCHELLIN: We didn't ask Ms.
16 Beeton.

17 VICE CHAIR HOOD: Oh, Ms. Beeton?
18 Oh, okay, I'm sorry.

19 MS. SCHELLIN: She would be the
20 only one, right now.

21 MS. BEETON: I will be out of
22 town. Actually, I'm traveling.

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1 MS. SCHELLIN: Can Mr. Baker
2 substitute since he was listed?

3 VICE CHAIR HOOD: That's all
4 right. We'll work with you.

5 MS. SCHELLIN: Okay.

6 VICE CHAIR HOOD: Okay.

7 MR. QUIN: Are you speaking of the
8 14th now?

9 VICE CHAIR HOOD: 14th, next week.

10 MR. QUIN: Is there a way that --
11 there is a major function that evening that
12 has been planned for about six months that
13 there are a number of us here that are
14 supposed to be at. Is there any way that we
15 could start it earlier perhaps than 6:30?

16 VICE CHAIR HOOD: The question is
17 even if we started earlier, the way things
18 look, we have another three to four hours the
19 way I perceive it, I may be wrong, with the
20 residents who are going to testify looking at
21 the list here.

22 MR. QUIN: Right.

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1 VICE CHAIR HOOD: We have a two
2 page list and cross examination.

3 MR. QUIN: How about still
4 earlier? How early could we go? Could we go
5 1:30 in the afternoon? Then you would get
6 home earlier.

7 VICE CHAIR HOOD: I always have
8 something to do. Let me see. I don't know.
9 We can't?

10 COMMISSIONER PARSONS: I don't
11 know.

12 VICE CHAIR HOOD: Here is where we
13 are. Well, I wanted to put -- yes, I want it
14 on the record. Here is where we are. Let's
15 look at the other dates. Mr. Greenberg, we
16 won't --

17 MS. SCHELLIN: Our next one is the
18 20th.

19 VICE CHAIR HOOD: The 20th is a
20 Wednesday, you can't make that?

21 MR. GREENBERG: No.

22 VICE CHAIR HOOD: What is the next

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1 date?

2 MS. SCHELLIN: July 30th.

3 VICE CHAIR HOOD: Can yo make the
4 30th of July?

5 PARTICIPANT: Let's do it on the
6 14th.

7 VICE CHAIR HOOD: Is it another
8 Wednesday that we may be --

9 MR. QUIN: We'll just do it on the
10 14th from our standpoint then. We'll just
11 have to make a change in our schedule.

12 MS. SCHELLIN: Do you want to --
13 Mr. Hood, did you want to consider something
14 a little earlier?

15 VICE CHAIR HOOD: Well, if there
16 is a major --

17 MS. SCHELLIN: Maybe not 1:30.

18 VICE CHAIR HOOD: -- event and I
19 understand that. We have missed lots of
20 major events.

21 MR. QUIN: This is more important
22 though. We will --

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1 MS. SCHELLIN: 4:00?

2 VICE CHAIR HOOD: Mr. Parsons is
3 saying we can probably start about 4:30.

4 MS. SCHELLIN: 4:30? Does that
5 work for you, Mr. Turnbull?

6 COMMISSIONER TURNBULL: Yes.

7 VICE CHAIR HOOD: 4:30?

8 MS. SCHELLIN: Mr. Hood?

9 VICE CHAIR HOOD: Yes, let me see
10 something. I'm sure. That's the 14th?

11 MS. SCHELLIN: Yes.

12 VICE CHAIR HOOD: If we start at
13 4:30, does anybody else have any other
14 issues?

15 MS. SCHELLIN: ANC is giving the
16 thumbs up.

17 VICE CHAIR HOOD: Okay. So the
18 14th at 4:30.

19 MS. SCHELLIN: They're going to be
20 here.

21 VICE CHAIR HOOD: June the 14th at
22 4:30. And we're going to try to -- some

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1 other people, a number of people have other
2 events. We're going to do our best to get us
3 all out of here at a reasonable hour. If we
4 all work together, we can do it.

5 MS. SCHELLIN: And then just to
6 reiterate, I think you said it, that we would
7 start off with the ANC's report on that night
8 followed by the two parties in support and
9 then the individuals.

10 VICE CHAIR HOOD: And what will
11 probably help, especially with cross
12 examination, if, you know, you have a right
13 to do it, but if you go right to a question
14 without the history, so that might help us
15 out some. So everyone is on one accord?
16 Good.

17 With that, Ms. Jarvis?

18 MS. JARVIS: Thank you, sir. Good
19 evening, Mr. Chairman and Members of the
20 Zoning Commission. I appreciate your
21 consideration this evening very much in
22 allowing me to testify and I appreciate the

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1 forbearance of the members of our community,
2 too.

3 I'm Dr. Charlene Drew Jarvis,
4 President of Southeastern University located
5 at 501 I Street, S.W., one block away from
6 the northwest side of the project. Founded
7 by the YMCA in 1879 and chartered by an
8 active Congress in 1937, we are an accredited
9 private non-profit university and we are the
10 only institution of higher education located
11 in the southwest quadrant of the city.

12 Our mission is to produce students
13 with the competencies in business, technology
14 and public administration that make them
15 competitive in the marketplace. We believe
16 that universities should participate in
17 stimulating the economic development of their
18 communities, but we also want our students to
19 participate in the prosperity that is
20 produced as a result.

21 We are excited about the
22 redevelopment of the Waterfront property for

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1 many reasons. First, many of our students,
2 faculty and staff live, work and travel in
3 the community. Parenthetically, the Metro
4 stop at the Waterfront project is named
5 Waterfront SEU. Housing faculty and staff
6 near the university has always been an issue
7 for us. The Waterfront project offers
8 solutions to that problem.

9 And I note that the amount of
10 square footage devoted to residential use has
11 increased for this project in concert with
12 the community's desires.

13 Secondly, the reopening of 4th
14 Street, S.W., with it's increased retail
15 opportunities will provide venues for our
16 faculty and staff and students that need a
17 bite to eat or to browse before or after
18 class or at work. I note also that the
19 increased square footage for retail is
20 pursuant to the desires of the local
21 community.

22 Thirdly, because we have degree

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1 programs in all subjects of business
2 management and technology and because we
3 teach courses in retail mall management, real
4 estate, property management and financial
5 management in our center for entrepreneurship
6 there are opportunities for our students to
7 witness firsthand the practical application
8 of the work which they are learning at the
9 university.

10 We are still true to our YMCA
11 mission of providing a practical education
12 for our students through internships or by
13 having professionals in the field teach as
14 adjuncts at the university.

15 In fact, both Forest City and the
16 William C. Smith Company, not the current
17 Smith Company, have worked with us on a
18 curriculum for a property management program,
19 which now has three cohorts of students. One
20 of those cohorts consists of low income women
21 for whom scholarships have been provided by
22 the Washington Area Women's Foundation. Some

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1 of those women live in the community.

2 The PUD before you has a set aside
3 for local businesses. We teach small
4 business skills in our center for
5 entrepreneurship and have contracts with
6 various agencies to assist their small
7 business prospects in being successful
8 bidders. I know the Forest City and Charles
9 E. Smith development team. They are ethical,
10 responsible and serious about their
11 commitment to the community.

12 We look forward to working with
13 them as partners in a community about which
14 all of us care very deeply. I appreciate the
15 opportunity to testify before you this
16 evening.

17 VICE CHAIR HOOD: Thank you, Mrs.
18 Jarvis. Any questions of Mrs. Jarvis? Let
19 me just ask, Ms. Jarvis, has that partnership
20 already started? You mentioned in your
21 testimony about the set aside of local
22 business and what you have going on at

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1 Southeastern University, has the partnership
2 already started with the developer?

3 MS. JARVIS: Well, in one respect.

4 In the training, in the curriculum
5 development, that has led to the property
6 management certificate.

7 VICE CHAIR HOOD: Okay.

8 MS. JARVIS: We have been working
9 with them with respect to that.

10 VICE CHAIR HOOD: Okay. All
11 right. Thank you for your testimony. Let me
12 see if there is any cross examination.

13 MS. JARVIS: Thank you.

14 VICE CHAIR HOOD: Mr. Quin?

15 MR. QUIN: No questions.

16 VICE CHAIR HOOD: Commissioner
17 Skolnik? Ms. Beeton?

18 MS. BEETON: No.

19 VICE CHAIR HOOD: Okay. Tiber
20 Islands? Okay. All right. Thank you very
21 much for coming down to testify.

22 Again, our next hearing date is

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1 going to be?

2 MS. SCHELLIN: June 14th at 4:30
3 p.m.

4 VICE CHAIR HOOD: June 14th at
5 4:30. I thank everybody for their patience
6 and sorry for any inconvenience, but we're
7 looking forward to seeing you again on the
8 14th. Good night.

9 (Whereupon, the Public Hearing was
10 concluded at 9:59 p.m.)
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