

GOVERNMENT  
 OF  
 THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

MONDAY

MARCH 31, 2003

+ + + + +

The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice, at 6:30 p.m., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
JAMES H. HANNAHAM	Commissioner
PETER G. MAY	Commissioner
JOHN G. PARSONS	Commissioner

ZONING COMMISSION STAFF PRESENT:

ALBERTO BASTIDA, Secretary

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SHARON SANCHEZ, Office of Zoning

OFFICE OF PLANNING STAFF PRESENT:

ELLEN McCARTHY, Assistant Director

MAXINE BROWN-ROBERTS, Office of Planning

ARTHUR JACKSON, Office of Planning

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the River, Inc. ( Map Amendment) ..... 4

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P R O C E E D I N G S

6:45 p.m.

CHAIRMAN MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Monday, March 31, 2003.

My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners Peter May and James Hannaham. Mr. Parsons is recused from the first case, so he will be joining us for the second case.

The first case this evening is Zoning Commission Case No. 02-41. This is a request by Building Bridges Across the River, Incorporated, for a zoning map amendment, under Chapter 30 of the District of Columbia Zoning Regulations for a portion of U.S. Reservation 501.

Notice of today's hearing was published in the D.C. Register on January 24, 2003 and in the Washington Times on February 12, 2003.

The first hearing, the Building Bridges hearing will be conducted in accordance with the provisions of 11 DCMR Section 3021 which are the procedures for rulemaking hearings.

Copies of the hearing announcement are

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1 available to you and are located on the table near the  
2 door.

3 The order of procedure in the first  
4 hearing, Building Bridges, will be as follows:  
5 preliminary matters, followed by the Petitioner's  
6 presentation; reports of government agencies; reports  
7 of ANC-8B, which is the affected ANC; organizations  
8 and persons in support; organizations and persons in  
9 opposition.

10 The following time constraints will be  
11 maintained in this hearing. The Petitioner will have  
12 as many as 10 minutes, if you like. Individuals will  
13 have three minutes. And organizations will have five  
14 minutes.

15 The Commission intends to maintain these  
16 time limits as strictly as possible in order to hear  
17 the case in a reasonable period of time.

18 The Commission reserves the right to  
19 change the time limits for presentations, if necessary  
20 and notes that no time shall be ceded.

21 All persons appearing before the  
22 Commission are to fill out two witness cards. These  
23 cards are also located on the table near the door.  
24 Upon coming forward to speak to the Commission, please  
25 give both cards to the reporter who is sitting to our

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1 right.

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

8 Staff will be available throughout the  
9 hearing to discuss procedural questions. Please turn  
10 off all beepers and cell phones so as not to disrupt  
11 these proceedings.

12 And I would just remind the folks who are  
13 here for the second hearing, we have a sign-up sheet  
14 by the door, if you wouldn't mind signing up if you'd  
15 like to testify in the second case.

16 At this time, the Commission will consider  
17 any preliminary matters in the Building Bridges case.

18 Mr. Bastida?

19 MR. BASTIDA: Yes, Madam Chairman, the  
20 Petitioners have provided their affidavit of  
21 maintenance and it is in order and I would recommend  
22 that you consider the posting done correctly,  
23 according to the zoning regulations.

24 CHAIRMAN MITTEN: Do we need to waive our  
25 rules because of the filing?

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1 MR. BASTIDA: No, there's no need for  
2 that.

3 CHAIRMAN MITTEN: All right.

4 MR. BASTIDA: Okay.

5 CHAIRMAN MITTEN: Anything else?

6 MR. BASTIDA: That concludes all  
7 preliminary matters.

8 CHAIRMAN MITTEN: Okay.

9 MR. BASTIDA: Thank you.

10 CHAIRMAN MITTEN: Thank you. Good  
11 evening, Mr. Timmonds.

12 MR. TIMMONDS: Good evening, Madam Chair,  
13 members of the Commission. My name is Paul Timmonds  
14 on behalf of the law firm of Shaw Pitman. With me  
15 here today are representatives of the Applicant,  
16 Building Bridges Across the River.

17 In order to expedite our case this evening  
18 and in reliance on the strong support of this  
19 application from the Office of Planning, Advisory  
20 Neighborhood Commission 8B and the District of  
21 Columbia Department of Parks and Recreation, we have  
22 only one witness who will present testimony this  
23 evening. That will be Mr. Jim Palmer of the  
24 architecture firm of Ayers, Saint, Gross Architects.

25 We previously submitted Mr. Palmer's

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1 résumé into the record and we would request that he be  
2 admitted as an expert witness.

3 CHAIRMAN MITTEN: All right, is there any  
4 objection to accepting Mr. Palmer as an expert in  
5 architecture? Yes, is that what you're offering?

6 MR. TIMMONDS: Yes.

7 CHAIRMAN MITTEN: All right.

8 MR. TIMMONDS: With me here from Building  
9 Bridges Across the River is Mr. Skip McMahon,  
10 President of the Board and Ms. Linda Jackson, the  
11 Executive Director of Building Bridges Across the  
12 River.

13 These representatives are here to answer  
14 any questions that you may have regarding THE ARC or  
15 Building Bridges.

16 So with that, I would ask Mr. Palmer to  
17 present his testimony.

18 CHAIRMAN MITTEN: If you're going to  
19 stand, I'm going to need to give you this microphone  
20 here because we need to have you on a mic to be on the  
21 record. And hold it up tight.

22 MR. PALMER: First of all, good evening.  
23 My name is Jim Palmer and I'm from Ayers, Saint, Gross  
24 Architects in the District of Columbia. The plan that  
25 you see here is the site plan of the THE ARC

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1 development. I will orient you briefly. It is --  
2 before I start though, the picture that you see is  
3 only about half of the site. The site actually  
4 extends all the way down to Stanton Road here. So  
5 that's in your packet there's a full site with the  
6 property line in it.

7 This is the townhomes, Oxon Run, which are  
8 newly developed townhouses. Actually, when we started  
9 the design, they didn't exist. This is the Village of  
10 Parklands over here. This is Southern Avenue. This  
11 is Mississippi Avenue, the new Southern Avenue Metro  
12 Station is here.

13 THE ARC consists of two phases that will  
14 be combined into one building. This building, Phase  
15 1, is just completed right now. It is Covenant House  
16 Washington is the primary tenant there, partner. And  
17 then the majority of the rest of THE ARC proposal is  
18 here.

19 The design goals for this project were to  
20 make a recreation center that was both very safe and  
21 for the children that will be using it in the  
22 community and also an opportunity to showcase the  
23 local talent. In this project, we have a recreation  
24 center with a full high school basketball court and a  
25 theater. We have music, dance, school programs and a

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1 wellness center and some other community features.

2 All of the building is matter of right  
3 zoning. One of the original design goals was to,  
4 since we had a site that wasn't zoned, we tried to  
5 follow zoning regulations we thought might apply and  
6 to keep this very short, I'd like to just go through  
7 the -- hit all of the highlights of the zoning pieces.

8 CHAIRMAN MITTEN: Just as you do that,  
9 what you just mentioned in terms of the design and so  
10 forth meaning matter of right, matter of right for the  
11 proposed zone?

12 MR. PALMER: For the proposed zone, that's  
13 correct. Although we didn't know it at the time. We  
14 were anticipating ahead of time.

15 The proposed zoning is SP-1. The lot area  
16 is 16.403 acres. The total building square footage is  
17 102,324 square feet. The majority of the building is  
18 two stories high with the theater and the gym being  
19 two story spaces, one story rooms, large rooms, but  
20 basically equivalent to a two story building.

21 The lot occupancy is 8.7 percent. The FAR  
22 is 1.46 percent. The maximum height which is a tower  
23 feature at the entry is 45 feet. The typical parapet  
24 is 32 feet. All of the setbacks are greater than 15  
25 feet and there are 152 parking spaces and two lots.

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1 The first lot has 46 spaces an the second lot has 116  
2 and I believe those are the primary relevant zoning  
3 issues. They are all substantially under the minimums  
4 allowed.

5 And I'll finish there and answer any  
6 questions.

7 CHAIRMAN MITTEN: All right.

8 MR. TIMMONDS: Thank you. Again, in order  
9 to expedite this, we will stand on the record with  
10 regards to our submissions that we'd previously filed  
11 and we would note that we believe the proposed SP-1  
12 district is not inconsistent with the comprehensive  
13 plan and we would note the proposed SP-1 zoning and  
14 this project are consistent with the land use, the  
15 various elements of the land use element of the  
16 comprehensive plan, the economic development, element,  
17 the Ward 8 element, as well as the generalized land  
18 use map designation of this property in the parks,  
19 recreation and open space land use category. With  
20 that, we would gladly answer any questions that  
21 members of the Commission may have.

22 CHAIRMAN MITTEN: Thank you. Any  
23 questions?

24 Mr. Hannaham:

25 COMMISSIONER HANNAHAM: I'd just like to

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1 say that I'm very pleased to see a project like this  
2 take place in that part of the city. I live in that  
3 part of town and I know it's desolate with respect to  
4 arts and other cultural activities. I can't think of  
5 anything close to it except the Anacostia Museum which  
6 is not really immediately near there.

7 I know the Levine School. I think that's  
8 a really wonderful partner in this project. In fact,  
9 they have been active regionally around Virginia and  
10 Maryland, as well, as this part of southeast earlier.

11 I was just curious, this is a lot of  
12 acreage, 16.5 acres. Are you thinking about doing  
13 something beyond -- is there any planning or any  
14 thoughts with respect to the rest of the acreage  
15 because you've used up very little of it.

16 MR. McMAHON: Mr. Hannaham, I'm Skip  
17 McMahon with Building Bridges Across the River.  
18 Actually, a lot of the property that you see there is  
19 in a flood area and we won't do much with it.  
20 Obviously, it's a buffer area and there's no plans to  
21 do anything in that property area.

22 There is, as you go down to the site, as  
23 Jim had mentioned earlier, there's a basketball court  
24 at the corner of Mississippi Avenue and Stanton Road.

25 And we hope to resurrect that facility and maintain

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1 it which it's been difficult to do up to this time.

2 So actually we have a playground that  
3 we're going to put which is shown in this drawing on  
4 the other side of the parking lot, but the rest of it  
5 is mostly in flood zone area.

6 COMMISSIONER HANNAHAM: Okay, have you  
7 worked with Park Service to define the boundaries?

8 MR. McMAHON: Yes, we have from very early  
9 on.

10 COMMISSIONER HANNAHAM: Okay.

11 MR. McMAHON: Yes sir.

12 COMMISSIONER HANNAHAM: I was just curious  
13 about some of the other collaborative efforts that are  
14 possible now that you're there, you know, so to what  
15 extent are you reaching out into the community, not  
16 only in the immediate community, but beyond that  
17 community with respect to the kinds of activities that  
18 you're bringing?

19 MR. McMAHON: Well, you had mentioned  
20 Levine School of Music, for example, and they have a  
21 program in some of the elementary schools that are  
22 nearby THE ARC, this facility and also Washington  
23 Ballet has a program. Providing the recreation in the  
24 center will be the Washington Boys and Girls Club and  
25 they also have some presence in the community. So

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1 there's a lot of development on the part of some of  
2 these partners to engage the youngsters at a very  
3 young age and to bring them into the Center. So those  
4 are some of the examples of things that are on-going  
5 now.

6 COMMISSIONER HANNAHAM: I assume the  
7 schools a part of your --

8 MR. McMAHON: Yes. Our first board  
9 members were two elementary school principals, the  
10 school is close to the site. There are 19 elementary  
11 schools within a mile radius, two junior highs, and  
12 Johnson Junior High. So we have about 7,000  
13 youngsters that this Center can serve within just over  
14 a mile radius.

15 COMMISSIONER HANNAHAM: The fact that  
16 you're next to a Metro Station stop also seems to me  
17 that will give you an even bigger springboard to reach  
18 out for accessibility to the rest of the community.

19 MR. McMAHON: That's what we look forward  
20 to. We hope to showcase not only for the immediate  
21 community to participate, but also to show other folks  
22 around the city, the talent that's in southeast that  
23 they -- to change some of the image and thinking of  
24 our young people. We hope to have a very positive  
25 exchange from cultural centers in this part of the

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1 city, the Kennedy Center, other places, with  
2 performances at the theater and we hope that folks  
3 will come over and participate in some of the things  
4 we do.

5 COMMISSIONER HANNAHAM: Community  
6 organizations also are possible partners in this kind  
7 of an activity too. I'm aware of one bridge between  
8 two communities in Washington, Palisades and Hilcrest.  
9 They are planning a musical activity, a performance  
10 musical concert some time this summer and that's  
11 something that I'd like to see more of that kind of  
12 thing. It's so much more than just a performance. It  
13 gets people very much participating and brings people  
14 closer together in the city, different parts of the  
15 city.

16 MR. McMAHON: Right.

17 COMMISSIONER HANNAHAM: So I really think  
18 that it's a great idea. Where did it originate? I'm  
19 just curious about how did this come about?

20 MR. McMAHON: I'll try to be brief. We've  
21 been working at this for about eight years. Actually,  
22 I'm also vice president of the Smith Company and we  
23 are a property management group. We have a lot of  
24 multi-family units in southeast, about 3,000 units,  
25 but we became involved with the project that Cafritz

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1 had in the early 1940s and 1950s called Parklands.  
2 And when we bought that facility, we realized we  
3 needed to have some sort of recreation facility in the  
4 community and at the same time we had reached out to  
5 the schools and we soon learned with our involvement  
6 with the young people, their families and going to  
7 some of their productions -- I can give you one  
8 example is Carol Foster who runs the D.C. Youth  
9 Ensemble and we would go to some of the productions  
10 she did at the Lincoln Theater. And we would see  
11 where the children rehearsed and it would be one place  
12 one evening and another place the next week and I even  
13 witnessed them rehearsing on a parking lot under  
14 headlights and it became clear to us that the idea of  
15 a small center to serve Parklands wasn't good enough.

16 We needed a larger center that would enable the  
17 children and all the local communities of Ward 8 to  
18 participate.

19 And so the Center grew and so some of  
20 these partners agreed to come in and provide the  
21 services and so the idea really came out of our needs  
22 and our immediate community and our exposure to the  
23 schools and the needs that those young people have.  
24 And so it grew from there to what it is today.

25 COMMISSIONER HANNAHAM: Thank you. I

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1 commend you all for having stayed with this so long to  
2 bring it to this point.

3 Madam Chairman, I have no further  
4 questions.

5 CHAIRMAN MITTEN: Thank you, Mr. Hannaham.  
6 Anyone else? Mr. May?

7 COMMISSIONER MAY: I just had a quick  
8 question. The numbers you quoted before for lot  
9 occupancy and FAR, can you repeat those for me again  
10 because what I heard didn't make sense.

11 You may have said it right, but I may have  
12 heard the wrong thing.

13 MR. PALMER: The lot occupancy is 8.7  
14 percent and the FAR is 1.46 percent. Under the SP-1  
15 zoning, I believe the lot occupancy allowed is 80  
16 percent and the FAR is 2.5 percent.

17 COMMISSIONER MAY: How is that even  
18 physically possible? Am I doing something wrong?

19 8.7 percent of the lot is occupied, how  
20 could you possibly have 1.46?

21 CHAIRMAN MITTEN: The 1.46 is the floor  
22 area ratio. It's not 1.46 percent.

23 MR. PALMER: The floor area ratio is the  
24 -- basically tells you how high the building can go.

25 COMMISSIONER MAY: I understand, but I

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1 know what the floor area ratio is.

2 MR. PALMER: But it's not related to the  
3 lot occupancy. It's only related to the size of the  
4 building.

5 CHAIRMAN MITTEN: I guess his question is  
6 you're covering so little of the lot and your building  
7 is only two stories high, how can you have that high  
8 of an FAR?

9 COMMISSIONER MAY: Right. The floor area  
10 ratio relates to the entire square footage of the  
11 property and how much built floor area you have in  
12 relationship.

13 CHAIRMAN MITTEN: Maybe it is 1.46  
14 percent.

15 COMMISSIONER MAY: It should be something  
16 like .14 or .15.

17 MR. PALMER: The way that -- again, the  
18 way that this is calculated, if I'm in error, then  
19 we'll correct it. The first floor of the building is  
20 approximately 60,000 square feet and the second floor  
21 is approximately 40,000 square feet.

22 CHAIRMAN MITTEN: Your total is 102,340,  
23 if I remember correctly. And your denominator is what  
24 in the square feet? Sixteen acres times 43 --

25 MR. PALMER: Right, but the number isn't

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1 related to the acreage at all.

2 CHAIRMAN MITTEN: It should be.

3 COMMISSIONER MAY: It should be.

4 CHAIRMAN MITTEN: That's the point.

5 MR. PALMER: I think what we're trying to  
6 get at is the FAR is infinitesimal, more so than 1  
7 point --

8 COMMISSIONER MAY: Frankly, it's not  
9 really that critical to this case, it just was so  
10 wildly off that I couldn't just let it go.

11 MR. PALMER: I appreciate that. Thank  
12 you.

13 CHAIRMAN MITTEN: Any other questions, Mr.  
14 Hood?

15 VICE CHAIRMAN HOOD: Madam Chair. Mr.  
16 Palmer, I just want a little history lesson here.  
17 I've been trying to understand exactly what took  
18 place, but you don't have to go back over the whole  
19 eight years.

20 My question is the land obviously was  
21 transferred to the District of Columbia. The District  
22 is now leasing it to you guys.

23 MR. McMAHON: Yes sir.

24 VICE CHAIRMAN HOOD: Now the Park Service,  
25 are they supporting this?

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1 MR. McMAHON: Yes, they are.

2 VICE CHAIRMAN HOOD: And the ANC and the  
3 community?

4 MR. McMAHON: Yes sir, very much so.

5 VICE CHAIRMAN HOOD: Let me just ask this  
6 question. Is there going to be -- there's not going  
7 to be a charge or a fee or anything for the community,  
8 is there?

9 MR. McMAHON: No sir.

10 VICE CHAIRMAN HOOD: And again, I guess  
11 the reason that we have the boundaries that I see here  
12 in front of me is because the rest of the area is  
13 swamp land?

14 MR. McMAHON: Yes sir.

15 VICE CHAIRMAN HOOD: I was just curious of  
16 the shape of it. That's good. I would agree with my  
17 colleagues, Mr. Hannaham. I think this is a good  
18 project, Building Bridges sounds good. Maybe it can  
19 come into my neighborhood.

20 Thank you.

21 (Laughter.)

22 CHAIRMAN MITTEN: Ward 5. If there are no  
23 further questions, I thank you all.

24 Now we're ready for the report by the  
25 Office of Planning.

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1 Ms. Brown-Roberts.

2 MS. BROWN-ROBERTS: Good evening,  
3 Madam Chairman and members of the Commission. I'm  
4 Maxine Brown-Roberts, representing the Office of  
5 Planning.

6 The major purpose of the SP District is to  
7 act as a buffer between adjoining commercial and  
8 residential areas and to ensure that new development  
9 is compatible in use, scale and design with a  
10 transitional function of the zone.

11 The predominant zoning in the general  
12 vicinity of the site is R-5A to the north of the site,  
13 and federal properties to the south. Further from the  
14 site are properties in the R-3, C-2-B and R-2  
15 District.

16 Although the property is not in the  
17 specified commercial zone, it meets the requirements  
18 of being in an appropriate area as the area is  
19 intensely developed with apartments and townhouses.  
20 The S-B-1 zone is a transitional so it permits uses  
21 that are not typically located together.

22 The zone permits a hybrid of uses that is  
23 proposed for this site.

24 Additionally, the proposed development  
25 will be the scale that is compatible with adjacent

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1 uses and extent of development will be controlled by  
2 the lease agreement with the Department of Parks and  
3 Recreation.

4 As part of the transfer of the property  
5 from the Federal Government, represented by the  
6 National Park Service, it is required that the  
7 property be used for recreational use.

8 The generalized land use map recommends  
9 park recreation, open space for the subject site and  
10 specifically, District government and parks and  
11 recreational centers, and National Capitol Open Space  
12 System.

13 The proposed uses and zoning will not be  
14 inconsistent with these recommendations.

15 OP recommends that the application for map  
16 amendment be approved.

17 Thank you, Madam Chairman.

18 CHAIRMAN MITTEN: Thank you any questions  
19 for Ms. Brown-Roberts?

20 All right, thank you.

21 Is there anyone here representing ANC-8-B?

22 Did you have anything in writing from the  
23 ANC?

24 All right, identify yourself for the  
25 record.

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1 MR. PATTERSON: Good evening, I'm Jacque  
2 Patterson, Chair of ANC-8-B and also the single member  
3 representative for 8B07 in which the facility that  
4 we're speaking of is part of.

5 I came here because we are just as excited  
6 as Mr. Hannaham and Mr. Hood to have this facility in  
7 our community. As most people know, Ward 8 is one of  
8 the youngest wards in the whole city. I believe about  
9 36 percent of or population is children under the age  
10 of 18.

11 We are in dire need of this facility and  
12 they have worked so hard with us as a community,  
13 reaching out to our community. Since I became an ANC  
14 -- this is my second term, Ms. Linda Jackson has been  
15 at our ANC meetings, talking about the facility as  
16 they proposed it, working with the community, asking  
17 them what they wanted in it, seeing what the desires  
18 of the community were. We were just so proud and so  
19 excited of how they reached out to us as a community.

20 And I live in the townhomes that they pointed out,  
21 right across the street, and I also brought along my  
22 son, as one of the people sitting right behind me, who  
23 will be part of and get to use that facility.

24 At the current time there is no place for  
25 them to play. They play up and down in the streets, a

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1 little bit, and a little bit at the park that's down  
2 the street in which he said it's a little bit off the  
3 site. But as I said, we desperately need this  
4 facility and we are very supportive of it.

5           Again, we could not say how much we  
6 appreciate them coming out to our community, reaching  
7 out to us as an organization and just including us in  
8 all the decision making that they've done thus far.  
9 And as a chair, I have the consent of my whole  
10 commission and speaking for them and saying that we  
11 are in support of this facility.

12           CHAIRMAN MITTEN: Terrific. It's good to  
13 hear.

14           Any questions for Mr. Patterson?

15           COMMISSIONER HANNAHAM: Just a quickie.  
16 This city is such a fabulous cultural center. There  
17 are so many things that can be built on this and I'm  
18 really excited about what can be done here in the arts  
19 and the performing arts, theater, all of those things.

20           We have so much going on in the city and very often  
21 it seems like there's a moat between parts of the city  
22 and all of these happenings in town. And I would hope  
23 that you guys do everything possible to sort of bridge  
24 those moats and even landscape out.

25           Speaking of your landscaping, the

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1 topography, it's one of the most beautiful parts of  
2 the city.

3 MR. PATTERSON: Yes, it is.

4 COMMISSIONER HANNAHAM: A lot of folks  
5 don't realize it and we don't want to say it too loud  
6 and too often --

7 MR. PATTERSON: I think they know now.

8 COMMISSIONER HANNAHAM: It's fabulous.  
9 Ward 8 is really fabulous. It's a natural setting and  
10 it has natural beauty.

11 MR. PATTERSON: I also have a daughter  
12 that's 12 years old, so we look forward to the ballet  
13 coming in and the Levine School of Music and we just  
14 are very excited about this.

15 CHAIRMAN MITTEN: Great, anyone else have  
16 any questions for Mr. Patterson?

17 Thank you and thank you for bringing your  
18 son down tonight.

19 Did he want to say anything? Do you want  
20 to say anything? I'll take that as a no.

21 (Laughter.)

22 MR. PATTERSON: He's a little shy. Thank  
23 you.

24 CHAIRMAN MITTEN: Anyone else who would  
25 like to testify in support? This is the Building

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1 Bridges Across the River map amendment.

2 Anyone to testify in support?

3 Anyone who would like to testify in  
4 opposition?

5 All right, Mr. Timmonds, anything you'd  
6 like to close out with?

7 MR. TIMMONDS: No. I think we appreciate  
8 your time this evening and this is a rulemaking case.

9 If it would be helpful probably for my client to hear  
10 that I think they've heard tonight your support for  
11 this project and I'm not sure if it's appropriate for  
12 a bench decision in a rulemaking case, but if that is  
13 appropriate, we would --

14 CHAIRMAN MITTEN: You can always ask.

15 MR. TIMMONDS: Exactly, thank you.

16 CHAIRMAN MITTEN: Mr. Hood?

17 VICE CHAIRMAN HOOD: Madam Chair, I would  
18 make a motion that we approve the Zoning Commission to  
19 zone a portion of U.S. Reservation 501 to the S-P-1  
20 District. I think this is in compliance with the  
21 comprehensive plan and also I'd like to see us use the  
22 Office of Planning's Report as background.

23 COMMISSIONER HANNAHAM: I second that.

24 CHAIRMAN MITTEN: Great. I think even  
25 though it's -- a map amendment can be kind of sterile,

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1 I think everyone is pretty enthusiastic about the  
2 project that this is going to facilitate. So are  
3 there any further comments? Discussion?

4 All those in favor, please say aye.

5 (Ayes.)

6 Those opposed, please say no.

7 (No response.)

8 Ms. Sanchez, would you record the vote for  
9 us?

10 MS. SANCHEZ: Yes, staff would record the  
11 vote 4 to 0 to 1. Commissioner Hood, moving;  
12 Commissioner Hannaham, seconding; Commissioners May  
13 and Mitten, in favor of proposed action in Case No.  
14 02-41.

15 CHAIRMAN MITTEN: Thank you. And I would  
16 just let you all know that our proposed action that we  
17 just took will be published in the D.C. Register and  
18 there will be a period of time for comments and it  
19 will also be referred to the National Capital Planning  
20 Commission for their review.

21 Thank you very much.

22 We're ready to move -- Ms. Brown-Roberts,  
23 could I just ask you to open the door and ask Mr.  
24 Parsons to join us? Thank you.

25 We're ready to move to the second case of

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1 the evening which is Zoning Commission Case No. 02-38  
2 which is the Planned Unit Development for the  
3 Waterfront Project. This is a continuation of the  
4 hearing and I don't see Mr. Laden here yet. Is he  
5 here? Oh, I'm sorry. I think where we left off was  
6 the report by the Department of Transportation, so  
7 since Mr. Laden is here, we'll start with that and I  
8 would just ask, I would remind folks, there's a sign-  
9 up sheet by the door. If you plan to testify this  
10 evening to please sign up. Anyone who plans to  
11 testify this evening who was not sworn in at the  
12 previous hearing, I would ask if you would now rise to  
13 take the oath.

14 Ms. Sanchez?

15 MS. SANCHEZ: Please raise your right  
16 hand.

17 (The witnesses were sworn.)

18 CHAIRMAN MITTEN: And Mr. Laden, while  
19 you're taking your seat, I will just make note of the  
20 fact that we have received a motion by Tiber Island  
21 Cooperative Homes and LeRoy Potts for reconsideration  
22 of their denial of party status. We don't have a  
23 procedure that allows for this, but I would just ask  
24 now if any Commissioner would like to revisit the  
25 party status issue for Tiber Island Cooperative Homes

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1 or LeRoy Potts.

2 Would anyone like to revisit that?

3 (No response.)

4 Fine, Mr. Laden, whenever you're ready.

5 MR. LADEN: Thank you very much, Madam  
6 Chairperson, members of the Zoning Commission. My  
7 name is Ken Laden. I'm the Associate Director for  
8 Transportation Policy and Planning in the D.C.  
9 Department of Transportation. I'm joined here at the  
10 witness table by Rachel McClary, who is the Ward 6  
11 planner with the D.C. Department of Transportation.  
12 Basically, I think our testimony is that the  
13 Department has been actively involved in the Waterside  
14 Mall Planned Unit Development or the Waterfront  
15 Project. We support the Planned Unit Development.

16 We did have some concerns or issues with  
17 respect to the potential impacts of this development  
18 on the transportation system, so as a result of that  
19 we did hire a consultant to do a detailed  
20 transportation plan. I believe a copy of that final  
21 report was sent to the Zoning Commission earlier this  
22 month.

23 CHAIRMAN MITTEN: Yes.

24 MR. LADEN: We also sent a draft to the  
25 Zoning Commission, I believe in February, earlier this

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1 year.

2           The study began in July of 2002 and was  
3 just completed in March. We've conducted a series of  
4 public meetings with community representatives to  
5 discuss first, the scope of work, the second meeting,  
6 preliminary findings on the existing and future  
7 transportation conditions and the study area. Third  
8 meeting discussed proposed suggestions and  
9 recommendations and then we held a fourth meeting  
10 fairly recently to go over final recommendations in  
11 the report.

12           The study examined a couple of  
13 alternatives looking at the transportation impacts of  
14 not only this project, but also other projects that we  
15 saw coming down the pipeline in the Southwest  
16 waterfront area. We looked specifically at whether or  
17 not 4th Street might need to be reconstructed as a  
18 vehicular roadway or whether it could be maintained as  
19 a pedestrian only transportation facility. The  
20 results are that we think, because of not only this  
21 development but other developments that are planned  
22 for, there could be some significant traffic impacts  
23 and we feel it's important that 4th Street, as part of  
24 this Planned Unit Development be reconstructed as a  
25 roadway, with the roadway primarily providing local

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1 service to the Planned Unit Development and the  
2 associated projects within it.

3 We were concerned and would like to see it  
4 designed in such a way that it did not attract through  
5 traffic through the neighborhood. Therefore, in our  
6 report recommendations, we looked at a variety of  
7 mechanisms to maintain a heavy pedestrian emphasis  
8 within the right of way of this proposed new roadway.

9 Let's see if there are any other highlights I want to  
10 mention here.

11 We also looked at perhaps some  
12 modifications on M Street and other roadways in the  
13 neighborhood to further improve transportation. The  
14 report also, I think, makes some transportation safety  
15 recommendations that focus on pedestrian safety and I  
16 guess again our conclusion is that the DDOT supports  
17 the Waterside Mall Planned Unit Development, but  
18 recognizes that traffic impacts from this and other  
19 development in the Southwest area will cause  
20 significant deterioration and traffic conditions in  
21 the community. As a result, we recommend that 4th  
22 Street be reconstructed as a limited vehicular  
23 connection between I Street and M Street with a strong  
24 pedestrian emphasis.

25 We also recommend that other

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1 transportation improvements that are in the report  
2 should be implemented as well to help mitigate the  
3 traffic impacts. And at this point we would continue  
4 to work with the Applicant and also the surrounding  
5 community to work through the detail design plans as  
6 the Planned Unit Development undergoes further  
7 clarification and design.

8 I think that pretty much summarizes the  
9 Department's position and I'll be happy to answer any  
10 questions you may have.

11 CHAIRMAN MITTEN: Okay, thank you. Any  
12 questions from the Commission for Mr. Laden?

13 Mr. Hood?

14 VICE CHAIRMAN HOOD: Madam Chair, let me  
15 just ask Mr. Laden, in the back of this -- let me just  
16 say this first of all. I've been kind of critical of  
17 DDOT, but after I got this report, I've changed my  
18 mind. This was very thorough and very good. I hope  
19 to see that more in the future.

20 The cost analysis in the back, it comes up  
21 to about I guess \$12 million. Am I correct, the cost  
22 analysis?

23 MR. LADEN: Correct, but that's a very  
24 preliminary analysis. We'll need to get into that in  
25 much more detail when we get into the actual design.

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1                   VICE CHAIRMAN HOOD:       There are some  
2 significant changes or adjustments, if you will, that  
3 DDOT is recommending.

4                   In the discussions with the Applicant,  
5 have they seemed favorable?

6                   MR. LADEN:    I believe we have shared this  
7 information with the Applicant and I believe that in  
8 general, we're pretty much on the same wavelength on  
9 the recommendations.  In fact, I believe the Applicant  
10 has made some minor adjustments on M Street to reflect  
11 what we were recommending.

12                  VICE CHAIRMAN HOOD:  Let me just ask this  
13 as a point of information.  Who would pay for these  
14 changes, the Applicant and the city or the city would  
15 be responsible for the infrastructure?  How does that  
16 work?

17                  MR. LADEN:    My understanding is that a  
18 Memorandum of Agreement was signed as part of the  
19 award to this particular firm that would place the  
20 financial responsibilities for the right of way on the  
21 city.

22                  Now we need to figure out exactly what  
23 factors or features would be city-borne and which ones  
24 would be developer-borne.  Also, I think right now  
25 since there is no street, we've been looking at this

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1 as a locally-funded project. However, the rest of 4th  
2 Street is a federal aid eligible roadway. So one of  
3 the things we might be looking at is approaching the  
4 Federal Highway Administration to get this new road  
5 segment designated as a federal aid road which would  
6 allow us to use federal funds as well as local funds.

7 VICE CHAIRMAN HOOD: And you mentioned in  
8 your testimony to try to have that new roadway a  
9 continuation of 4th Street more pedestrian friendly.  
10 Having been in that area for some years, M Street at  
11 certain points of time in the day is just -- I mean  
12 you wouldn't even want to go up and down M Street.

13 How do you see trying to deter drivers  
14 from going down that M Street? How do you see that as  
15 cutting through a shortcut, even though that's not  
16 going to do them any good because I Street is just as  
17 congested. So I'm just trying to figure out how do  
18 you see that remedy?

19 It may be in a report, but I didn't see it  
20 or I didn't understand it. So could you just explain?

21 MR. LADEN: I think one of the figures  
22 towards the end of the narrative section, I forget the  
23 exact number, maybe Rachel, if you could pull that out  
24 while I'm speaking here. One of the figures shows a  
25 proposed design plan for 4th Street and what we're

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1 looking at is again sort of designing this with a  
2 traffic calming element to it so that it doesn't  
3 become a major commuter corridor. Those features  
4 include parallel parking on both sides of M Street,  
5 both -- on 4th Street, I'm sorry, both east and west  
6 side, having one travel lane north, one travel lane  
7 south. And then a central lane that would be used for  
8 left turns into the property, again, depending on  
9 whether you're coming from the north or south.

10 I think there are six designated  
11 pedestrian crosswalks. Two of those, one near 4th  
12 Street and one near I Street would be raised  
13 crosswalks, so you'd have to slow down and basically  
14 it would be a long speed table.

15 Also, we're talking about using different  
16 kinds or different textured pavement, both for the  
17 roadway itself and for the crosswalks, so it would be  
18 similar to the area between the east and west  
19 galleries on the Mall where you have those, I think  
20 it's Belgian pavers. We might not use that. We'll  
21 probably use some sort of a stamped concrete, but it  
22 will sort of be a visual queue through color and  
23 texture that this is a different kind of environment  
24 than a standard District roadway.

25 It's figure 43. One of our foldouts in

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1 the text.

2 VICE CHAIRMAN HOOD: Another observational  
3 question I have is if I'm going westbound on M Street  
4 and I want to make a left on 4th Street, has there  
5 been a conversation about no left turn?

6 MR. LADEN: I don't believe there's been  
7 any recommendation about no left turn. I think  
8 there's several major housing -- we're talking about  
9 going southbound, I'm sorry, going westbound?

10 VICE CHAIRMAN HOOD: I'm going west on M  
11 and I want to go north on 4th, if my orientation is  
12 correct.

13 MR. LADEN: No, that would be eastbound.

14 VICE CHAIRMAN HOOD: Okay, let's get the  
15 orientation together.

16 MR. LADEN: You want to turn left to go  
17 north up 4th Street?

18 VICE CHAIRMAN HOOD: If I'm on M Street  
19 and I'm coming -- basically going towards South  
20 Capitol.

21 MR. LADEN: Right, that's east.

22 VICE CHAIRMAN HOOD: East, I'm sorry. I  
23 am going east. I'm coming from the west.

24 MR. LADEN: Right.

25 VICE CHAIRMAN HOOD: Now we've got it. So

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1 if I'm making a left on M Street and I want to turn  
2 left on to 4th Street and I can't remember now whether  
3 there's a left turn signal there or not?

4

5 MR. LADEN: There would be a left turn  
6 signal and a left turn bay to queue up. So yes, we  
7 would allow a left turn.

8 VICE CHAIRMAN HOOD: And that's in the  
9 recommendation?

10 MR. LADEN: Yes.

11 VICE CHAIRMAN HOOD: Let me see, I have  
12 one more. I seem to have a question mark, it's on  
13 page 26, give me a second and let me see why I put the  
14 question mark.

15 (Pause.)

16 Okay, that was my question. Thank you,  
17 Mr. Laden.

18 CHAIRMAN MITTEN: Anyone else have  
19 questions?

20 Mr. Parsons?

21 COMMISSIONER PARSONS: Mr. Laden, at these  
22 raised crosswalks which I guess there are four of  
23 them.

24 MR. LADEN: There are two.

25 COMMISSIONER PARSONS: Each of the two

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1 proposed driveways, K and I.

2 MR. LADEN: Only two of those would be  
3 raised, I'm sorry. The only two raised are at the M  
4 Street and at the I Street. The others are just  
5 designated crosswalks, but not raised crosswalks.

6 I'm sorry, there's a third one right near  
7 the Metro entrance, the Metro rail station entrance,  
8 so there would be three raised crosswalks.

9 COMMISSIONER PARSONS: I guess the report  
10 I'm reading from is January 3, prepared for you, but  
11 that's two months ago or so.

12 Will there be lights anywhere along this  
13 that can be activated by pedestrians or that is in  
14 combination with the raised walkway? Will there be  
15 traffic lights?

16 MR. LADEN: I hadn't gotten to that, but  
17 that might be a good idea. We would look into that.

18 COMMISSIONER PARSONS: Okay, thank you.

19 CHAIRMAN MITTEN: Any questions, Mr.  
20 Hannaham?

21 All right, let me ask if Ms. Giardano, did  
22 you have any questions?

23 MS. GIARDANO: No questions.

24 CHAIRMAN MITTEN: And Mr. Assalaam, did  
25 you have any questions?

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1 MR. ASSALAAM: Most of our concerns have  
2 been addressed.

3 CHAIRMAN MITTEN: Thank you. And let the  
4 record reflect that Mr. Assalaam would like to applaud  
5 DDOT for the thoroughness of their report.

6 I didn't have you on the mic, that's why  
7 I'm repeating it for you.

8 Thank you.

9 MR. LADEN: Thank you.

10 CHAIRMAN MITTEN: All right, I would like  
11 to note under reports of other government agencies  
12 that we did have a report, as well, from the  
13 Department of Housing and Community Development. At  
14 some point I would like the Applicant perhaps at the  
15 conclusion to address himself to some of the  
16 recommendations that the Director has made in his memo  
17 to us, particularly regarding neighborhood serving  
18 commercial, neighborhood serving retail, I should say.

19 Are there any other government agencies  
20 represented here that have not made their report?

21 All right, then I think we're ready to  
22 move to the report of the Advisory Neighborhood  
23 Commission which is 6-D.

24 Mr. Assalaam.

25 MR. ASSALAAM: Good evening, Madam Chair,

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1 and Commissioners. For the record, my name is Ahmed  
2 Assalaam and I am the chairperson of ANC 6D. In the  
3 interest of time, I would ask that the attached  
4 revised report, as well as this testimony be submitted  
5 into the record.

6 As you know from our initial written  
7 response, the ANC voted to oppose the application of  
8 the RLA Revitalization Corporation in this case. In  
9 our response, we laid out the eight areas of major  
10 concern to the citizens and stakeholders of our  
11 community. I know that you will give great weight to  
12 those concerns.

13 I would like to use this time to discuss  
14 how the PUD is intrinsically flawed in addressing  
15 community needs.

16 Please understand, this ANC is as anxious  
17 as the citizens we represent to see the woefully  
18 inadequate and deteriorating Waterside Mall  
19 redeveloped. However, the proposed PUD and the  
20 requested rezoning from C-3-B to C-3-C would permit  
21 the creation of a Crystal City or Southeast Federal  
22 Center type of massive office complex that would not  
23 serve our community and offers little benefit to what  
24 has long been a stable, vibrant and active residential  
25 area.

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1           Waterside Mall was intended to be a  
2 community mall with resources to serve its  
3 neighborhood. What have become known as the EPA  
4 Towers were, in fact, built to be mixed-use buildings,  
5 but primarily for residential use. Over the  
6 objections of the community, Waterside Mall has become  
7 primarily an office complex. It has not been a  
8 success.

9           This PUD calls for doubling the amount of  
10 office space, lowering the amount of retail space from  
11 what was originally there and does not begin to  
12 address the problems that cause this mall to be the  
13 failure that it is today.

14           According to representatives from Kempfer,  
15 the existing leased retail space today is between  
16 50,000 and 60,000 square feet out of approximately  
17 130,000 square feet currently available, with many of  
18 the stores vacant. The banner on the building says  
19 the new mall will have 100,000 square feet of retail  
20 space. In fact, that is a goal.

21           The PUD calls for only 20,000 square feet  
22 more than is rented now. Retail which will  
23 undoubtedly be designed to serve the needs of office  
24 workers, but not the residents of Southwest.

25           In the D.C. Office of Planning's Report on

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1 the PUD, there is little to address the major concerns  
2 of the community. There is no call for additional  
3 residential retail space, major time line issues are  
4 not addressed and there is no satisfactory explanation  
5 of how an inadequate percentage of retail space  
6 complies with the Comprehensive Plans called to ensure  
7 businesses will serve the adjacent residential  
8 neighborhood.

9 The Office of Planning asserts that market  
10 forces will drive rental development. That is one of  
11 the major problems with this PUD. The preponderance  
12 of office space and limited retail will create an  
13 environment like that of Southeast Federal Center  
14 where the office workers at day's end and the  
15 restaurants close at 3 in the afternoon, leaving an  
16 area that is sterile and desolate in the evening.

17 By limiting the amount of possible retail  
18 in the plan, it will effectively drive the lease rates  
19 for the available space high, benefitting developers,  
20 but delimitating the possibility of local and  
21 neighborhood oriented businesses to provided needed  
22 retail services.

23 The PUD states the new complex will  
24 consist of a mixture of office, retail and residential  
25 uses. Yet, for every square foot of proposed retail

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1 space, there will be more than 25 square feet of  
2 office space. In the PUD and in public meetings, the  
3 developers and the Office of Planning have discussed  
4 the new mall as a town center. That is exactly what  
5 it should be. Unfortunately, words are not plans and  
6 this plan does little to create the appropriate  
7 infrastructure for a true town center.

8 The proposed Towers will not only create a  
9 canyon effect to rival the urban ugliness of Crystal  
10 City, but more importantly, this plan development will  
11 create an office oriented environment that will  
12 override the needs and quality of life of the  
13 surrounding neighborhoods.

14 For years, the Office of Planning has sold  
15 this community on the concept that a new Waterside  
16 Mall will become a destination point and gateway to  
17 the Southwest waterfront. However, by placing a 110  
18 foot tower on the southwest corner of the property, it  
19 becomes the only view visitors arriving by Metro will  
20 have.

21 The PUD refers to the 75,000 square feet  
22 of retail as a public amenity. However, at least  
23 44,000 square feet are in use today by the Safeway,  
24 the CVS and the bank. As a matter of right, 50  
25 percent of the existing 1 million square feet of mall

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1 space could be used for retail. Market forces will  
2 quickly fill the remaining 30,000 square feet, the  
3 same square footage amount as the Safeway with  
4 sandwich shops and businesses that cater to office  
5 workers, but will not serve the local community.

6 Furthermore, the PUD allows for 17 years  
7 before some of that frontage would begin to be built.

8 This leaves our community drastically under served  
9 for at least two decades.

10 In addition, the developers have stated on  
11 numerous occasions that this could be a 20-year or  
12 longer project and of the few public amenities  
13 proposed, including the majority of retail and service  
14 establishments, most are contingent on commercial  
15 office construction taking place first.

16 The developers must not have carte blanche  
17 to build another million square feet of 110 foot tall  
18 office buildings on an unlimited time table. Overall,  
19 the public benefits as required of PUD applications  
20 are inadequate relative to the private gains of the  
21 Applicant.

22 The only tangible public benefit is a 100  
23 by 200 square foot plaza surrounding the Metro  
24 escalators, described as being of substantial size and  
25 suitably paved for public use and enjoyment.

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1           We have heard the argument that a  
2 redeveloped mall will benefit the community. But that  
3 is true whether the development is done under existing  
4 matter of right or this particular PUD. To ask for a  
5 zoning variance to compound an existing problem is  
6 unacceptable.

7           If you will refer to the ANC's revised  
8 report, I would like to highlight the following items.

9       Items 1 through 3, the proposed project height, size,  
10 density and proximity to M Street illustrates our  
11 concerns in regards to changing the nature of the mall  
12 from one that was meant to serve the community to one  
13 that will serve commuter officer workers. Specifics  
14 include the canyon effect, the height and density will  
15 cause and how market forces will drive the limited  
16 retail to serve the office workers and not the  
17 residents of our neighborhoods.

18           As far as item 4, we find it unfortunate  
19 that DDOT did not present realistic and unbiased  
20 numbers so that the community can properly evaluate  
21 the effect of reopening 4th Street. Regardless, if  
22 the street is reopened based on the PUD, we once again  
23 have the problems of the canyon effect and of sidewalk  
24 design to maximize office space at the expense of  
25 creating a true town center.

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1           Item 5 through 7, the unacceptable lack of  
2 real public amenities, the extended time table for  
3 development and a relatively small percentages of  
4 residential and resale space versus office space  
5 underscores the focus of this testimony.

6           I am pleased to say that in reference to  
7 the last item in terms of providing jobs and training  
8 for local residents the ANC and the developers have  
9 made progress. However, the PUD still lacks any  
10 substantial provisions to serve community needs and  
11 provide community input on an on-going basis.

12           To conclude, our decision to oppose this  
13 PUD was not taken lightly, nor was it taken without  
14 good reasons. Near Southwest has been an experimental  
15 laboratory for modern, urban design once and its  
16 failures cannot be repeated. This PUD and the  
17 requested zoning map amendments will create a massive  
18 office complex that would not serve the community, but  
19 will change the character of the area forever.

20           In addition, it allows for years of  
21 construction that will continuously erode the quality  
22 of life of thousands of people. The concept behind  
23 the PUD, a Zoning Commission hearing and even the work  
24 of the Office of Planning is to create a process that  
25 ensures that development benefits the citizens of the

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1 affected community as well as the city overall. In  
2 order for this process to be complete, we ask that you  
3 deny the Applicant's request at this time and enjoin  
4 them to return to the ANC so that together, we can  
5 work to create a plan that will benefit everyone.

6 We have made some progress already. My  
7 colleagues and I are committed to improving the  
8 quality of life for the people we represent. We are  
9 ready, willing and able to work with the developers,  
10 citizens and other stakeholders to achieve that goal.

11 Ultimately, it is the residents of Southwest who will  
12 have to live with the new development.

13 Pardon me for being blunt, but the Office  
14 of Planning does not speak for the Southwest community  
15 and this report is woefully inadequate to address our  
16 concerns.

17 It is our mutual responsibility that of  
18 all of us here tonight, to ensure that the new  
19 development benefits our citizens.

20 I thank you.

21 CHAIRMAN MITTEN: Thank you, Commissioner  
22 Assalaam.

23 Are there any questions for Mr. Assalaam?

24 Mr. Hood?

25 VICE CHAIRMAN HOOD: Yes, Commissioner

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1 Assalaam, let me just ask -- unfortunately, I didn't  
2 get a chance to -- I didn't have this, and I like to  
3 digest my reading and have some thought behind it.

4 Is this the list of concerns here?  
5 There's another letter dated March 31st that we just  
6 received?

7 MR. ASSALAAM: Yes.

8 VICE CHAIRMAN HOOD: Those are the list of  
9 concerns of which you spoke about in your letter, your  
10 testimony that you spoke about?

11 MR. ASSALAAM: Yes sir.

12 VICE CHAIRMAN HOOD: So they're all right  
13 here?

14 MR. ASSALAAM: Yes.

15 VICE CHAIRMAN HOOD: Okay. Let's go to  
16 the good part here, about the question about jobs and  
17 working with the community. That's going pretty good?

18 MR. ASSALAAM: Yes. We met with the  
19 developers last Thursday evening in their office at  
20 the Mall and we discussed jobs because in my  
21 particular Single Member District, we've had over 40  
22 percent unemployment for the past 20 years and so we  
23 addressed this concern and they are more than willing  
24 to try to earmark some jobs specifically for our  
25 community and these residents.

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1                   VICE CHAIRMAN HOOD:    So they're letting  
2   you know up front what kind of training you need, what  
3   to expect, so when it comes down the pike or if it  
4   comes down the pike, then you guys will be on board  
5   and ready and you won't hear that you're not  
6   qualified.

7                   MR. ASSALAAM:   We did not discuss all the  
8   particulars.    We only came to an agreement that we  
9   would work together to try to --

10                  VICE CHAIRMAN HOOD:   Let me encourage you  
11   to discuss all the particulars.

12                  MR. ASSALAAM:   Yes, I appreciate that.

13                  VICE CHAIRMAN HOOD:    I had another  
14   question.    You mentioned about the DDOT report.    You  
15   heard Mr. Laden's testimony a few minutes ago about  
16   how he's trying to make 4th Street if the access is  
17   opened back up, how he's trying to make it pedestrian-  
18   friendly.

19                  MR. ASSALAAM:   Yes.

20                  VICE CHAIRMAN HOOD:    And some remedies  
21   that he just described to me, personally, I wouldn't  
22   want to go down that street if I'm on M Street because  
23   it's going to be congested.    That may work both ways.

24                  I should have mentioned that while he was up here  
25   when I was thinking about it.    It may work in a

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1 positive what may work in a negative.

2 But from living in the neighborhood and if  
3 they're going to be parking on both sides, how would  
4 you see that work? Would you see that working in a  
5 positive light, as a remedy to keep people from -- I  
6 think one of the concerns that I heard is that people  
7 will come off of M Street and use that as a  
8 throughway, you know a way to go through.

9 MR. ASSALAAM: Right.

10 VICE CHAIRMAN HOOD: Which won't, like I  
11 said earlier, won't do them any good because I Street  
12 is just as bad as M Street.

13 MR. ASSALAAM: Exactly. So your question  
14 is the proposal that they just submitted as far as  
15 making it more pedestrian-friendly, I would think that  
16 would be much more favorable.

17 COMMISSIONER HANNAHAM: Okay, so your  
18 comment here in your testimony, you would -- let's  
19 see. So you would take that back after you heard  
20 discussion from Mr. Laden, because you mentioned about  
21 the 4th Street reopening and the numbers and what not.

22 Would you take your statement back after  
23 what you heard from Mr. Laden?

24 MR. ASSALAAM: Well, I would not take it  
25 all the way back. I would be willing to go back to

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1 the table and further discuss it and see how we could  
2 work it out and see how it would work because all the  
3 specifics are -- have not been submitted to us.

4 VICE CHAIRMAN HOOD: And the issue with  
5 the Office of Planning, if the neighborhood wasn't at  
6 the table with Office of Planning, who was?

7 MR. ASSALAAM: You mean during the --

8 VICE CHAIRMAN HOOD: Right, during this  
9 whole piece. You mentioned the Office of Planning,  
10 the impression I'm getting and at least from  
11 where I understood it is that the Office of Planning  
12 has not been at the table with the community.

13 MR. ASSALAAM: Well, they have not been --  
14 they have not come forward fully, even as -- in the  
15 previous hearing, they were at our February 10th  
16 meeting, yet they didn't submit the information that  
17 they came here and submitted. And we didn't get it  
18 until we came here. So it's been numerous times when  
19 we've gotten the information after hand, second hand.  
20 We've been surprised with the information. So they  
21 have not been fully forthcoming to the community.

22 VICE CHAIRMAN HOOD: And let me ask you  
23 this again, and forgive me, because I haven't had a  
24 chance to read either one of these basically, but like  
25 I stated earlier, all the concerns I guess from your

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1 constituents, I believe you are the SMD Commissioner,  
2 right? Is this compiled of all of your constituents?

3 MR. ASSALAAM: Well, yes. This is  
4 compiled of all of the Single Member Districts, the  
5 entire ANC.

6 VICE CHAIRMAN HOOD: Basically, I can say  
7 that this document represents the whole neighborhood?

8 MR. ASSALAAM: Yes.

9 VICE CHAIRMAN HOOD: Safely say it?

10 MR. ASSALAAM: Yes.

11 VICE CHAIRMAN HOOD: With the exception of  
12 those who are in support?

13 MR. ASSALAAM: Right. Support, yes.

14 VICE CHAIRMAN HOOD: Okay. Thank you,  
15 Madam Chair. Thank you, Mr. Assalaam.

16 CHAIRMAN MITTEN: Does anyone else have  
17 questions for -- Mr. Hannaham?

18 COMMISSIONER HANNAHAM: I appreciate your  
19 statement. I wondered whether, if you did go back to  
20 the drawing board, so to speak, with the developer  
21 again, do you think -- let me put this another way.  
22 Some of the things that you found shortcoming in terms  
23 of public amenities, you mentioned housing as one as  
24 well, residential housing?

25 MR. ASSALAAM: Yes.

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1                   COMMISSIONER HANNAHAM:       There is a  
2 substantial amount of housing proposed in the PUD.  
3 Did you have any thoughts as to how that might be  
4 adjusted or changed in some way that would benefit the  
5 community more?

6                   MR. ASSALAAM:       Well, we have requested  
7 that there be more retail and more residential versus  
8 as much commercial as they are proposing. And we have  
9 also requested that the residential and retail also be  
10 put on the front end. It appears as if it's being put  
11 on the back end so that if there's a 20-year project,  
12 and we're waiting 17 to 20 years before we start, as a  
13 community, we start receiving some of the benefits or  
14 have the stores and things that are necessary for our  
15 community.

16                  COMMISSIONER HANNAHAM:       Have you  
17 considered asking the development for input of  
18 affordable housing as a part of the component in this  
19 housing mix?

20                  MR. ASSALAAM:       Well, I believe -- we  
21 discussed the housing, but I believe because of the  
22 lease on the land, that there was some type of  
23 difficulty.

24                  COMMISSIONER HANNAHAM:       Difficulty in what  
25 sense?

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1 MR. ASSALAAM: In building houses that  
2 would be for sale.

3 COMMISSIONER HANNAHAM: I'm sorry, I  
4 didn't catch the last word?

5 MR. ASSALAAM: In homes for sale versus  
6 rental units.

7 COMMISSIONER HANNAHAM: So this difficulty  
8 obstructs the production of rental --

9 MR. ASSALAAM: No, it doesn't obstruct the  
10 rental.

11 COMMISSIONER HANNAHAM: I'm just trying to  
12 get clear as to what --

13 MR. ASSALAAM: It doesn't obstruct rental.  
14 It obstructs sale, homes that are for sale.

15 COMMISSIONER HANNAHAM: Home ownership.

16 MR. ASSALAAM: Yes.

17 CHAIRMAN MITTEN: You mean because the  
18 land is leased?

19 MR. ASSALAAM: Leased.

20 CHAIRMAN MITTEN: That would make it  
21 difficult for people to buy into a situation where  
22 there -- okay.

23 COMMISSIONER HANNAHAM: Suppose they were  
24 condominiums, people could buy into it in that sense,  
25 couldn't they?

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1 CHAIRMAN MITTEN: I think the point is  
2 that they would buying into a situation where there's  
3 a ground lease, so when your ground lease expires,  
4 then their interest would terminate.

5 MR. ASSALAAM: Expire, right. I believe  
6 it's a 66-year lease or something like that.

7 COMMISSIONER HANNAHAM: Fee simply thing  
8 wouldn't apply.

9 CHAIRMAN MITTEN: Coarct.

10 COMMISSIONER HANNAHAM: That's  
11 interesting. I know I was concerned about the long  
12 term that's proposed to actually execute -- the 17  
13 years I think is actually a really long time.

14 MR. ASSALAAM: Yes.

15 COMMISSIONER HANNAHAM: And I'm hoping  
16 that we can start looking at ways to reduce that.  
17 It's a very complicated proposal, as you know.

18 MR. ASSALAAM: Yes.

19 COMMISSIONER HANNAHAM: I was hoping that  
20 maybe some way might be -- the Applicant might be able  
21 to provide us with some sort of a linear scale, time  
22 scale as to how he proposes to do all these different  
23 things.

24 What's the allowance for the fact that  
25 things don't always turn out as they're planned, but

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1 at least, as of this moment, this would be sort of an  
2 idea look to see how all of this would fit together.

3 MR. ASSALAAM: That's one of the reasons  
4 why we're asking for the Applicant to come back to the  
5 table and to be denied so that we can try to work out  
6 some of these issues.

7 COMMISSIONER HANNAHAM: What would you  
8 focus on in the retail mix? You're dissatisfied with  
9 the mix of retail. And what would you do, what would  
10 your emphasis be?

11 MR. ASSALAAM: We definitely need more  
12 retail. The retail that we already have is  
13 insufficient and as you say, currently, they're only  
14 proposing 75,000. They have a sign up that says  
15 100,000 on the building, but in the meeting they told  
16 us that was their goal and it was actually more like  
17 75,000. So that's only 30,000 more than what we have  
18 currently with CVS, the bank and the Safeway take up  
19 almost 45,000. So I mean we would propose much, much  
20 more and we would like to see it up front.

21 We propose 200,000. We need stores and  
22 shops and things that would be available to us as a  
23 community. Actually, the mall, when it was first  
24 developed was developed to be a town center and it had  
25 all of these stores, and the developers went and they

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1 fought against the city and they changed it and then  
2 they turned it into an office building and the  
3 community was in an uproar. I remember Councilman  
4 John Wilson, he had numerous hearings throughout the  
5 1970s on the issue and now, the offices failed. They  
6 took out all the stores and the things that served the  
7 community and they found the offices failed and now  
8 they want to come back and build even more office  
9 space and still no stores and things that the  
10 community needs.

11 COMMISSIONER HANNAHAM: During these  
12 meetings you made it very clear, specifically the  
13 kinds of retail needs that you thought the community  
14 needed to fulfill --

15 MR. ASSALAAM: Yes. And we also asked  
16 them about when we come together forming some type of  
17 committee or something with community residents and  
18 the developers and discussing the type of retail that  
19 would be in the new development so that we could make  
20 sure we get what we need.

21 COMMISSIONER HANNAHAM: And you indicated  
22 they haven't done this or haven't agreed to do this?

23 MR. ASSALAAM: No, that was just our  
24 preliminary discussions. Some things they denied and  
25 some things, the jobs is the main thing that we agreed

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1 upon.

2 COMMISSIONER HANNAHAM: Could you specify  
3 what was agreed to with respect to jobs? You're  
4 thinking not only in the construction phase, but the  
5 post-construction?

6 MR. ASSALAAM: In our meeting with the  
7 developers, as I said, basically the only thing that  
8 we did agree upon was getting the jobs for the  
9 community.

10 CHAIRMAN MITTEN: I believe Commissioner  
11 Assalaam testified earlier that they haven't gotten  
12 into the details of how that would be accomplished,  
13 but there is the commitment to work together.

14 COMMISSIONER HANNAHAM: Okay. That's all  
15 I have for now.

16 CHAIRMAN MITTEN: All right.

17 COMMISSIONER HANNAHAM: Thanks. I  
18 appreciate the time.

19 CHAIRMAN MITTEN: If I could, Mr. Parsons,  
20 I just wanted to follow up on the line of questioning  
21 that Mr. Hannaham was pursuing. Right now, there's  
22 vacant retail space, correct?

23 MR. ASSALAAM: Yes.

24 CHAIRMAN MITTEN: And to what do you  
25 attribute that?

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1 MR. ASSALAAM: Well, a lot of it was that  
2 the retail, the vacant retail space, a lot of it that  
3 was there catered to the EPA or the office workers and  
4 when EPA left, a lot of them closed. It was a lot of  
5 eating places and establishments of that nature.

6 CHAIRMAN MITTEN: Okay. And the kind of  
7 uses that the community wants and presumably there's a  
8 demand for, why do you think they haven't come in  
9 behind those retail establishments that were catering  
10 to the office workers since that demand driver is gone  
11 and the community now is the driver, why do you think  
12 someone hasn't come in to serve the community? Why do  
13 you think they haven't back filled that space?

14 MR. ASSALAAM: I believe that -- I don't  
15 believe the developers have been making any attempts  
16 to back fill and bring in new retail tenants.

17 CHAIRMAN MITTEN: Okay, but so if they  
18 haven't been making the effort would you be confident  
19 in the future that if there were more retail space  
20 provided, you have confidence just because you know  
21 the area that there would be a sufficient demand for  
22 the retail space?

23 MR. ASSALAAM: Yes ma'am. If the  
24 community is involved in getting the retail space,  
25 working with the developer to get the retail space

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1 that the community needs, I am positive that the  
2 community will support it. The community in the past,  
3 again protested because they were supporting the  
4 stores and the retailer that was there and the  
5 developers changed their minds and wanted to turn it  
6 into offices. So it kind of hurt the retail market.

7 CHAIRMAN MITTEN: Okay, let me just ask  
8 you to play out a scenario in your mind which is let's  
9 say that they agree to put in more retail space  
10 because they're confident that you're right, that  
11 there will be this demand and there will be -- they'll  
12 have the grocery store and they'll have the drug store  
13 and they'll have all these things, but either let's  
14 say they can't attract those businesses or those  
15 businesses come and they're not successful, what  
16 should the developer do at that point? Because they  
17 are subject to the forces of the market. We can't  
18 impose the economic circumstances, so what -- if they  
19 make that commitment, but they can't deliver on that  
20 commitment, what should they do?

21 MR. ASSALAAM: That's a hard one for me to  
22 answer for them of what they should do because I see  
23 no reason why the retail that the community is asking  
24 for the community is coming forward asking for the  
25 retail because we're going to support the retail.

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1 That's why we're asking for it. So I mean it would be  
2 speculation to say, it would be contradictory for me  
3 to say that it's not going to work when the community  
4 is coming forward and asking for it.

5 CHAIRMAN MITTEN: I guess why I'm asking  
6 you this is because there are many communities across  
7 the city that want services, they want retail and yet  
8 the economics of the community are such that retailers  
9 aren't confident that there's enough demand for them  
10 to take the risk and commit to a long-term lease and  
11 spend the money to build out a store and so forth and  
12 zoning can only do so much. We can't get people  
13 there. So we try and think ahead to well, what will  
14 happen in the event if you hold someone to a  
15 commitment that says this must be retail space and  
16 they can't fill it and they don't have an alternative,  
17 then the space just sits vacant which is the situation  
18 that you have now that's an unfavorable situation. So  
19 that's why I was asking you to imagine that they can't  
20 lease it, what then?

21 MR. ASSALAAM: I would have to say the  
22 same thing and even some of the businesses that have  
23 left because from what I understand, you know, I  
24 cannot say that they were asked to leave, were told to  
25 leave, but their lease or whatever wasn't renewed and

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1 they left and they did not want to leave. Many of  
2 them want to come back. So I mean they were being  
3 successful.

4 CHAIRMAN MITTEN: Okay. Mr. Parsons, I'm  
5 sorry, I interrupted you.

6 COMMISSIONER PARSONS: No, you didn't.

7 CHAIRMAN MITTEN: I usurped your turn.

8 COMMISSIONER PARSONS: Mr. Assalaam, we're  
9 at a crossroads, we, the Zoning Commission, the  
10 community and the developer. And we've got a unique  
11 circumstance here because -- well, it's not actually  
12 unique, but it's rare, that a developer has come  
13 forward with what we call a two-stage Planned Unit  
14 Development, that is, the first stage just deals with  
15 bulk and density and the second stage then refines the  
16 details. And you've come here tonight to ask us to  
17 deny this and that's troubling.

18 What I would urge you to do is as you have  
19 just done, not in your testimony, but in questions,  
20 said we want 200,000 square feet of retail. You've  
21 talked about the canyon effect. Well, what isn't a  
22 canyon effect? Is 60 feet okay? Or what is it about  
23 110 that bothers you?

24 Now that might seem simple from my  
25 perspective, but I know you've got a community to

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1 speak for and for us to not have input of specifics is  
2 difficult for us to deal with in your testimony. And  
3 I think I would agree with you, if this was a two-  
4 step, we're going to start building as soon as this is  
5 approved, maybe it's time to return to the community.

6 But in that we're in a two-step process, I would urge  
7 you to bring forward specifics of how you would solve  
8 the concerns that you have, not tonight, but -- and I  
9 only speak because you said 200,000 square feet is  
10 where you want to go as opposed to not enough retail.

11 Okay?

12 MR. ASSALAAM: I understand.

13 CHAIRMAN MITTEN: Anyone else? Mr. May?

14 COMMISSIONER MAY: Yes, this is kind of a  
15 follow-up, I guess. The images that you describe and  
16 the things that you find unpleasant about this  
17 proposed development, the associations you make, you  
18 repeated several times references to Crystal City and  
19 the canyon effect. And I have to say frankly when you  
20 started talking about the canyon effect, I didn't  
21 expect it to end with Crystal City because to me those  
22 are sort of pillars or something like that. It's not  
23 a continuous canyon the way K Street is.

24 So I'm wondering, tell me more about what  
25 Crystal City, you associate with this development and

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1 why it is troublesome for you because I'm having  
2 difficulty with that association?

3 MR. ASSALAAM: Okay, well, perhaps it is  
4 the association and the more specific thing is that  
5 was an example we used as Commissioners and as a  
6 Commission.

7 It's more specifically just the canyon  
8 effect or the effect of like you're just going through  
9 a canyon, all the way down M Street with the  
10 development that's coming down M Street from the  
11 south, Southeast Federal Center and coming all the way  
12 down. And when you get there, we were promised  
13 there's a community that when you get off at the  
14 Waterfront Station, that you would have this beautiful  
15 vista or view of the waterfront. But now we know when  
16 you get off, all you're going to be facing are big  
17 tall buildings. That's what you're going to see. And  
18 it's going to be just like big tall buildings, going  
19 all the way down. And this is more specifically what  
20 we're addressing.

21 COMMISSIONER MAY: So having some view of  
22 the water, is vitally important to you and your image  
23 of this place?

24 MR. ASSALAAM: Yes. The name itself says  
25 Waterfront.

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1                   COMMISSIONER MAY:     Right.     Again, I'm  
2     having a little bit of trouble with the idea of  
3     equating M Street, given its width and the height  
4     that's being proposed here because compared to  
5     something like K Street which is much more like this,  
6     but even that is a very broad street, it feels much  
7     more generous to me and also, it's not like sort of  
8     meandering through, again, it's not quite canyons of  
9     Crystal City, but a lot of relatively close together  
10    tall buildings where there isn't much else, other than  
11    paving and buildings.     But it's really the M Street  
12    effect that concerns you more than say 4th Street  
13    where you've got 80-foot tall buildings or 70-foot  
14    tall buildings, whatever they are.     Is that right?

15                   MR. ASSALAAM:     Yes.     We're very concerned  
16    with M Street.

17                   COMMISSIONER MAY:     You agree with the  
18    notion in theory of creating a new town center, if you  
19    will?

20                   MR. ASSALAAM:     Yes.     We are very much for  
21    development and revitalizing.

22                   COMMISSIONER MAY:     Well, can you give me  
23    an example of -- I understand the desire for more  
24    retail and that's very clear and frankly, there are  
25    some limitations I think to the way the property is

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1 structured. I'm not sure how they could actually get  
2 the quantity or the square footage of retail you're  
3 aiming for without having to put it on to the second  
4 floor or something like that which is not saleable.

5 But that aside, I understand the desire to  
6 have more or a commitment to more. But what is it  
7 that you are picturing in terms of a town center that  
8 you don't see here? What's different about it? Is it  
9 the shopping mall kind of thing that you -- that  
10 exists now with the Waterside Mall or is it upper  
11 Wisconsin Avenue? Is it the Reston Town Center which  
12 is not really a town center, except that they named it  
13 that and people drive to it.

14 I'm struggling with understanding what you  
15 see as town center, because what I see here is not a  
16 bad one.

17 MR. ASSALAAM: Okay, actually town center,  
18 when I say town center which actually when the mall  
19 was developed that's what it was supposed to be and  
20 many of the components included community meeting  
21 rooms and many of the things that we're talking about  
22 are still in the mall. They've been closed down. I  
23 mean these are not -- I'm just using these as  
24 examples. I know that there was a bowling alley.  
25 There was a movie theater. There were all types of

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1 things that served the community where people could  
2 go, not just to eat, but for entertainment, for  
3 relaxing, for meeting and gathering and discussing  
4 community issues including things of this nature and  
5 development because we have a great deal of  
6 development going on in southwest and southeast.

7 COMMISSIONER MAY: So what you're  
8 suggesting really goes not so much to what it looks  
9 like physically when you talk about town center, as it  
10 is the use. So you'd like to have uses that are more  
11 oriented towards the community as opposed to the  
12 office occupants?

13 MR. ASSALAAM: Yes, and we have some  
14 concerns with -- the design is nice, but we have some  
15 concerns with the towers and with the setback and  
16 things of that nature.

17 COMMISSIONER MAY: But you would find it  
18 much more palatable if there were things like bowling  
19 alleys, movie theaters, arts uses, community uses?

20 MR. ASSALAAM: Yes. That would be more  
21 public amenities.

22 COMMISSIONER MAY: That's very helpful to  
23 me because when you describe, when you talk about  
24 wanting a town center and wanting to reject sort of  
25 experimentation in city planning because southwest has

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1       been a subject of sort of experimentation for many  
2       years, I mean this is a very, I think a very  
3       conservative and very traditional kind of approach to  
4       creating a neighborhood center, a business center,  
5       commercial center. If anything, it's heavy on the  
6       office space, but in terms of urban planning, it seems  
7       very traditional and that's why it's kind of puzzling  
8       why you didn't see that town center aspect of it. Now  
9       I understand it as more to do with use than anything  
10      else.

11                   I think that's about it for me. Thank  
12      you.

13                   CHAIRMAN MITTEN: Mr. Hood, did you have  
14      another?

15                   VICE CHAIRMAN HOOD: I just have two quick  
16      follow-up questions for Mr. Assalaam.

17                   Sitting here reviewing your submittal,  
18      again, this goes back to a comment that Commissioner  
19      Parsons made and that was there may be still, and he  
20      may not have said it exactly this way and I'm  
21      rephrasing it. There may still be room for  
22      negotiation, for example, the community room. I'm  
23      sure if you're at the table, you can get a place that  
24      has community meetings and what not, because there's  
25      plenty of room in Waterside Mall and that's something

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1 that you might want to work with them and fine tune.

2 I think I'm understanding, as I hear the  
3 dialogue you're having with my colleagues, I think I'm  
4 understanding what you're visualizing, what you would  
5 like to see, but the goal is, it's going to take  
6 everyone to get to that point.

7 MR. ASSALAAM: Yes, we agree. And we're  
8 willing to work --

9 VICE CHAIRMAN HOOD: Let me just ask you  
10 this. You mentioned office space. And I didn't know  
11 that all went on early on. I guess that was in the  
12 1970s?

13 MR. ASSALAAM: Yes.

14 VICE CHAIRMAN HOOD: I'm familiar with the  
15 bowling alley and that's been some years ago.

16 MR. ASSALAAM: yes.

17 VICE CHAIRMAN HOOD: Years ago. And RSVP  
18 and all that, so picture where you were and where you  
19 are now and where you're trying to get back to, but my  
20 question to you is office space. This basically has  
21 nothing to do with the case.

22 What I'm trying to find out is the problem  
23 with the office space in that area. It's not that  
24 you're against the office space, but first of all, let  
25 me ask this, what kind of neighbor was the

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1 Environmental Protection Agency?

2 MR. ASSALAAM: Well --

3 VICE CHAIRMAN HOOD: And it's not a trick  
4 question because I worked there.

5 (Laughter.)

6 MR. ASSALAAM: Right. They weren't the  
7 best of neighbors, I mean.

8 VICE CHAIRMAN HOOD: They weren't.

9 MR. ASSALAAM: Everything was catered in  
10 the Waterside Mall was catered to them and they came  
11 in and they worked and ate and shopped and did their  
12 little thing and created traffic and everything and  
13 left. And we were left with nothing as a community.  
14 We were the ones that had to stay there.

15 So when they left, we were left with  
16 nothing.

17 VICE CHAIRMAN HOOD: I apologize for them.

18 I'm sorry that's the kind of neighbor they were. But  
19 again, I think that it's going to be a mixture of all.

20 I think we probably are going to get some office  
21 space. Whether you have the amount that you had there  
22 previously, I mean, regardless, if this project goes  
23 forward, 10 years from now if something else comes  
24 down, there's going to have to be some office space  
25 there at some point, but I think your point is how

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1 much?

2 MR. ASSALAAM: Yes.

3 VICE CHAIRMAN HOOD: And how much more can  
4 we have that's going to be advantageous to the  
5 surrounding neighborhood. And again, that goes back  
6 to Commissioner Parsons -- this is the time now. This  
7 is the time now for you to get at the table and make  
8 the best at it.

9 Thank you, Madam Chair. Thank you.

10 CHAIRMAN MITTEN: Thank you, Mr. Hannaham,  
11 follow up?

12 COMMISSIONER HANNAHAM: I really think  
13 citizens can be very effective, especially when  
14 they're determined to get something done. Despite --  
15 we had examples in Washington where citizens were able  
16 to turn around a conservative uninformed business  
17 community to bring something in that they really  
18 needed and wanted.

19 I think the most recent example I can  
20 think of right now is the supermarket on P Street  
21 between 14th and 15th Street in Northwest. And it's  
22 probably one of the most thriving of all the  
23 enterprises of that particular company anywhere. But  
24 I think that's the kind of thing that if you can lock  
25 horns with the Applicant and his agents and do the

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1 kinds of things that you just mentioned as one of the  
2 recommendations that you want the citizen panel to be  
3 intimately involved in this whole process, if you can  
4 get a fair input, a real sincere input on the part of  
5 the Applicant and his consultants, I think you can  
6 sort of start shaping a different view, a vision of  
7 what the community -- what's possible in the  
8 community, what the community would want. And I think  
9 you can make a really strong change in attitudes on  
10 the other side.

11 I would encourage you, as my colleagues  
12 have, to really make the most of this particular stage  
13 in this discussion to do that.

14 MR. ASSALAAM: We thank you and we are  
15 more than willing to continue to work and to try to  
16 work things out. As I said, the Commission and the  
17 citizens of Southwest, we want to see a new  
18 revitalized and developed mall. We're not against  
19 development. We just want to be able to work it out  
20 so that the citizens are not left holding the bag  
21 again.

22 COMMISSIONER HANNAHAM: I agree. I have  
23 some familiarity with that mall. That's one of the  
24 sorriest commercial enterprises I've seen in the city,  
25 period.

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1 MR. ASSALAAM: Yes sir.

2 COMMISSIONER HANNAHAM: Very, very dank  
3 and it's just unattractive. There's no wonder then it  
4 collapsed and failed commercially.

5 I thank you.

6 CHAIRMAN MITTEN: All right, anyone else  
7 with follow up?

8 Ms. Giardano, any questions?

9 MS. GIARDANO: Just one question. This  
10 question goes to the great weight issue. This hearing  
11 was postponed, I guess, to accommodate the March  
12 meeting of the ANC and I'm just wondering if this new  
13 report was voted on by the ANC?

14 MR. ASSALAAM: I don't have those minutes  
15 and I do not believe that the new report was voted on  
16 by the ANC.

17 MS. GIARDANO: Thank you.

18 CHAIRMAN MITTEN: You're referring to the  
19 March 31st report?

20 MS. GIARDANO: Yes.

21 CHAIRMAN MITTEN: I'll just follow-up on  
22 something that Ms. Giardano just raised which is  
23 because she said it does go to the great weight issue,  
24 there are requirements for the submission from ANC in  
25 order to be given great weight, so there will be an

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1 opportunity if we finish tonight, we'll have the  
2 record open for a period of time and in order for the  
3 ANC to be given great weight on these matters, you  
4 will have to take a vote at a properly noticed public  
5 meeting with a quorum present and so forth and then  
6 you'll have to convey that to us in writing, right?

7 MR. ASSALAAM: Yes, and that's one reason  
8 why we requested that the record be held open.

9 CHAIRMAN MITTEN: Okay. All right, thank  
10 you, mr. Assalaam.

11 MR. ASSALAAM: Thank you.

12 CHAIRMAN MITTEN: All right, now we will  
13 move to parties and persons in support and this seems  
14 like a good juncture to say a couple of things. One  
15 is that I have the witness list that we put up tonight  
16 and if you didn't happen to sign it, I will give an  
17 opportunity at the end so just raise your hand and  
18 we'll have folks come forward.

19 We've had a couple of requests for people  
20 to have extended periods of time. I don't think  
21 that's necessary. Folks perhaps have a  
22 misunderstanding that they need to read their  
23 testimony into the record. Written testimony is part  
24 of the record, so we would ask folks to just hit the  
25 highlights during their assigned time and then in

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1 short order here we're going to find out who is  
2 representing the Southwest Neighborhood Assembly  
3 because I think we have a couple of different folks  
4 who've claimed that, so we'll begin.

5 I'll call forward Tracey Hooks,  
6 representing Greenleaf Gardens Extension Residential  
7 Council, Inc., and Naomi Monk who is the first person  
8 for Southwest Neighborhood Assembly. Just come  
9 forward and take a seat at the table, if folks are  
10 here.

11 I just remind everyone that you need to  
12 fill out two witness cards and give them to the  
13 reporter as you come forward.

14 MS. MONK: I need to clarify. I'm  
15 representing myself.

16 CHAIRMAN MITTEN: Your name is what?

17 MS. MONK: Naomi Monk.

18 CHAIRMAN MITTEN: Okay, thank you.

19 MS. HOOKS: I'm Tracey Hooks and I'm  
20 representing myself.

21 CHAIRMAN MITTEN: Just yourself and not --  
22 okay.

23 Why don't we just wait until we go to the  
24 opposition and then we can take that up. Since I  
25 don't have anyone at the moment claiming to represent

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1 Southwest Neighborhood.

2 You have to come forward to get on the  
3 mic.

4 MR. MITTENDORF: My name is Mr.  
5 Mittendorf, I'm the second vice president of the  
6 Southwest Neighborhood Assembly.

7 CHAIRMAN MITTEN: Yes.

8 MR. MITTENDORF: My term just expired a  
9 week ago. I was designated by the president, the  
10 acting president of the SWNA to present the results of  
11 the SWNA survey, so it's not taking a position this  
12 way or that way, but to present the results of the  
13 survey and in that position, I'm the only one  
14 representing the SWNA board as such.

15 CHAIRMAN MITTEN: Are you authorized to  
16 speak on behalf of the Southwest Neighborhood  
17 Assembly?

18 MR. MITTENDORF: Yes, on the results of  
19 the survey only.

20 CHAIRMAN MITTEN: All right. You'll have  
21 five minutes and you will not have an additional three  
22 minutes as an individual. So that's your choice, if  
23 that's what you want.

24 All right, I'll ask you to take your seat  
25 now and -- no, back in the audience. We're going to

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1 do the parties in support first.

2 Let me just get a couple more people at  
3 the table. Paul Barnette. Looks like Millree  
4 Williams.

5 All right, so we'll have Ms. Hooks go  
6 first and each of these -- Mr. Barnette, are you  
7 representing Harbor Square?

8 MR. BARNETTE: No, I'm representing  
9 myself.

10 CHAIRMAN MITTEN: Okay. And what is SCW,  
11 Mr. Williams? Could you turn on the microphone?

12 MR. WILLIAMS: It's SEU, Southeastern  
13 University.

14 CHAIRMAN MITTEN: Okay, fine. So everyone  
15 will have three minutes, except for Mr. Williams who  
16 will have five minutes.

17 We'll have Ms. Hooks go first.

18 MS. HOOKS: Good afternoon, Madam Chair  
19 and Commissioners. My name is Tracey B. Hooks. I'm a  
20 resident of the Greenleaf Gardens Extension and that's  
21 a block from the Waterside Mall and it's one of five  
22 public housing properties in Southwest and we have the  
23 biggest quads of public housing in the District of  
24 Columbia.

25 I am writing in support of the PUD

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1 application for the Waterfront Project, formerly  
2 Waterside Mall at 401 M Street, S.W. I am a 40-year  
3 resident of Southwest, D.C. and I am extremely anxious  
4 for this project to move forward. I believe that the  
5 reopening of 4th Street will be of great benefit to  
6 this community. I believe the development team is  
7 committed to a vibrant, retail streetscape along 4th  
8 Street. I believe that the residential use being  
9 proposed is also of great benefit to our neighborhood.

10 I am convinced that the design, including the  
11 building height is of highest quality.

12 Sincerely, Tracey Hooks.

13 CHAIRMAN MITTEN: Thank you. I'll ask you  
14 to hold your seat and we'll have everyone testify and  
15 if there's any questions and I'm just going to ask  
16 anyone who is not speaking to turn off their mic  
17 because we're getting a little bit of feedback.

18 We'll have Ms. Monk go next.

19 MS. MONK: My name is Naomi J. Monk. I  
20 have been a resident of Southwest Washington, D.C.  
21 since 1985. I am present today to aver that I support  
22 the Planned Unit Development case no. 02-38. I  
23 support the zoning changes, the 4th Street cut through  
24 with nice wide streets for pedestrians to walk and the  
25 increased heights in buildings.

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1 I believe the City Washington, the Kempfer  
2 Company and the D.C. Planning Office and other  
3 affiliates are doing an outstanding job in developing  
4 great plans for a waterfront mall that it is the best  
5 that it can be.

6 In addition, they have met with numerous  
7 groups over and over again in Southwest for the past  
8 few years and graciously incorporated some of the  
9 residents' ideas into the PUD. The waterfront mall  
10 has been in dire need of renovation too long already.

11 It is the only mall in Southwest. Southwest is  
12 fortunate to have these developers, D.C. government  
13 and others to spend so much time and money to  
14 conciliate the Southwest residents. There comes a  
15 time, however, to move forward and implement a plan  
16 that will bring to Southwest a beautiful mall with all  
17 the amenities one could ever desire. There is a  
18 certain amount of risk that developers take under  
19 normal circumstances to provide the money that such a  
20 complex requires. These risks have been greatly  
21 enhanced since the September 11, 2001 attack on  
22 America in the form of much higher insurance,  
23 increases for property, health insurance, life  
24 insurance and the like. The longer the delays, the  
25 more expensive the costs will be for what will be a

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1 beautiful mall.

2 I'm asking the Zoning Commission to  
3 approve this PUD today. Thank you for listening.

4 CHAIRMAN MITTEN: Thank you, Ms. Monk.  
5 Mr. Barnette.

6 MR. BARNETTE: Good evening. My name is  
7 Paul Barnette and I'm speaking in favor of the zoning  
8 change tonight, as a resident of Southwest, as an  
9 architect, and as an elected director of the Harbor  
10 Square Board of Directors.

11 After considering current retail  
12 development trends across the country, and studying a  
13 variety of community impacts, I am in support of the  
14 PUD zoning change for the following five reasons.

15 The PUD waterfront zoning proposal is on  
16 target with current thinking and planning for similar  
17 projects across the country and it's for this reason I  
18 support the change.

19 Without the PUD zoning change, existing  
20 matter of right zoning, which I feel strongly will  
21 take place if this should be denied, allows  
22 redevelopment of the Waterside Mall including the  
23 potential reopening of 4th Street, with or without  
24 cars. Stopping the PUD zoning change will not prevent  
25 the street from being reopened under a matter of right

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1 zoning. And for this reason I support the change.

2 Matter of right zoning does not require  
3 community input, the inclusion of retail services or  
4 the inclusion of housing. The PUD zoning change does  
5 and I support the change for this reason.

6 The PUD zoning, with PUD zoning the  
7 community would be accepting 42 feet higher buildings  
8 at four corners of the site to retain guaranteed  
9 retail and residential components and continued input  
10 into the planning process at each phase of the  
11 implementation and this would include selection of  
12 building materials and setbacks. This is a  
13 fair trade off for input into the planning process  
14 during the time of implementation and it is for this  
15 reason I support the change.

16 The development of a vibrant new town  
17 center will provide improved shopping and a new  
18 version of the old town downtown with  
19 pedestrian-friendly, store-lined streets. This is a  
20 far better outcome than what the community has now and  
21 far better than the destruction of mature trees and  
22 historic landmarks currently taking place in our  
23 community as a result of matter of right zoning with  
24 no required community input. And it is for this  
25 reason that I support the change.

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1           The Harbor Square Board of Directors  
2 recently passed a resolution, 9-0, in support of the  
3 zoning change.

4           In conclusion, I strongly support the  
5 proposed PUD zoning change because I, as my colleagues  
6 at the Board of Directors, believe it offers the  
7 community more than it asks.

8           Thank you.

9           CHAIRMAN MITTEN: Thank you, Mr. Barnette.  
10          And Mr. Williams is next. Will you turn on the mic  
11 first?

12          MR. WILLIAMS: My name is Millree  
13 Williams. I am the Director of Marketing and Public  
14 Relations at Southeastern University and I'm here  
15 really to speak on behalf of my president, Dr.  
16 Charlene Drew Jarvis who happens to be ill this  
17 afternoon.

18          CHAIRMAN MITTEN: Sorry to hear that.

19          MR. WILLIAMS: Thank you. I'll pass that  
20 on to her. She asked me to read a real brief  
21 statement in support of this redevelopment.

22          And I'll just sort of cut to the chase in  
23 the interest of time.

24          Being actively involved in our community  
25 is a major component of our historic mission. And it

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1 is the matter of this civic engagement that brings me  
2 here tonight. I am here on this occasion to offer  
3 testimony in support of the planned redevelopment of  
4 Waterside Mall, known as the waterfront and the need  
5 to amend the zoning map for that lot.

6 On behalf of the students, faculty and  
7 staff of Southeastern University, I am interested in  
8 the character of this plan development because it  
9 greatly enhances what is already a strong and stable  
10 community. We support this proposal because we  
11 believe that the development of this property is  
12 vitally important to the economic health and stability  
13 of Southwest.

14 As the University member of this community  
15 and we are new to Ward 6 with the rezoning,  
16 Southeastern University strongly supports its focused  
17 redevelopment and the energy, life and work options  
18 such development affords our students and fellow  
19 residents.

20 The development's location at the  
21 Waterfront Metro Station brings convenience to  
22 commuters and residents who travel to and from work  
23 each day. For our students, most of whom use the  
24 Waterfront SEU Metro stop, there will be exiting  
25 dining and shopping options that currently do not

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1 exist, as well as an ambiance that we think will  
2 ultimately lead to a comparison with the small town,  
3 small college environment.

4 We applaud the community planning process  
5 that so far has led to a commitment by the developer  
6 to build at least 400,000 square feet of resident  
7 space and 75,000 square feet of retail space, neither  
8 of which is required by matter of right development.  
9 We also applaud the community's recognition that the  
10 increased height of the development on M Street is a  
11 fair request. That is why I am here tonight to give  
12 Southeastern University support.

13 As the higher education resident of this  
14 community, and as a partner engaged in preserving and  
15 enhancing its health and vitality, we are pleased to  
16 support projects that enhance that economic vitality  
17 and growth.

18 We believe that this amendment moves us in  
19 that direction. So thank you for this brief  
20 opportunity to be heard.

21 CHAIRMAN MITTEN: Thank you. Any  
22 questions for this panel?

23 Does anyone have any questions? Mr. Hood?

24 VICE CHAIRMAN HOOD: Yes, Madam Chair, I  
25 just had a question for Ms. Hooks. I'm glad to see

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1 that Greenleaf was a part of the whole process, the  
2 question I asked at the earlier hearing.

3 Did the residents' council take a vote on  
4 this project?

5 MS. HOOKS: I am the president of  
6 residential council for Greenleaf Gardens Extension.  
7 And we have talked about this project and we've also  
8 been at several meetings that have been going on for  
9 so long, but no results have been happening.

10 VICE CHAIRMAN HOOD: So Greenleaf has been  
11 at the table?

12 MS. HOOKS: Yes.

13 VICE CHAIRMAN HOOD: Good.

14 MS. HOOKS: 222 M Street at St. Matthews,  
15 Southwest Neighborhood Assembly had Kempfer Company  
16 come out also.

17 VICE CHAIRMAN HOOD: Okay, thank you.  
18 Thank you, Madam Chair.

19 CHAIRMAN MITTEN: Anyone else have any  
20 questions for this panel?

21 Thank you all for coming down tonight.

22 I would just remind Mr. Assalaam, I'm  
23 sorry, I have to -- Mr. Assalaam, did you have any  
24 questions?

25 We can hold anybody at the table that you

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1 like.

2 MR. ASSALAAM: No questions.

3 CHAIRMAN MITTEN: Mr. Assalaam, I just  
4 need to remind you, you need to fill out two witness  
5 cards or hand them to the reporter, okay. I didn't  
6 want you to forget about that.

7 All right, Mike O'Dell. Now I have a name  
8 I can't read other than Tom and the last name starts  
9 with an H? Herman, okay. And is there anyone else  
10 who would like to testify in support? All right, we  
11 can have you come down and ma'am, we have room for you  
12 at the table as well.

13 I'll get you on the next round, okay?

14 You need to turn on the mic.

15 MR. McGOVERN: Michael McGovern and when  
16 you called Mr. Tom Herman, he's with Tiber Island, as  
17 I am, as their counsel. And Mr. LeRoy Potts. You  
18 started at approximately 10 after 7 and I was not yet  
19 here because I relied on the 7:30 time that had been  
20 announced back on February 13th.

21 But I understand that the chair ruled  
22 against our motion for reconsideration on the party  
23 status of Tiber Island and Mr. Potts.

24 CHAIRMAN MITTEN: You don't have standing  
25 to even make a motion for reconsideration. I asked if

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1 any of the Commissioners would like to take it up on  
2 their own and no one pursued it.

3 MR. McGOVERN: I did not understand that  
4 ruling.

5 CHAIRMAN MITTEN: You don't understand the  
6 ruling?

7 MR. McGOVERN: I don't understand the  
8 ruling that denied party status to us on February  
9 13th, nor your ruling that denies reconsideration at  
10 this time.

11 CHAIRMAN MITTEN: All right, I will give  
12 you a brief explanation and then I'm going to ask you  
13 to take a seat back.

14 In the submission that you made  
15 originally, there was insufficient showing of your --  
16 how your client is more uniquely affected than a  
17 member of the general public or that Tiber Island is  
18 more uniquely affected than any of the other buildings  
19 in the vicinity. That was the basis for it. It was  
20 fully developed in the order for the case.

21 MR. McGOVERN: Did you take note that they  
22 were within 200 feet of the project?

23 CHAIRMAN MITTEN: Absolutely.

24 MR. McGOVERN: And zoning regulates light,  
25 air and view?

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1 CHAIRMAN MITTEN: Absolutely.

2 MR. McGOVERN: And if these people are not  
3 affected and have no standing, then there would be  
4 nobody --

5 CHAIRMAN MITTEN: And you articulated all  
6 that in your latest submission.

7 MR. McGOVERN: I just wanted it for the  
8 record. This may come back to be an issue.

9 CHAIRMAN MITTEN: I understand. Thank  
10 you.

11 All right, we're ready to move forward  
12 with Mr. O'Dell.

13 And I ask you to turn the mic on when you  
14 start speaking.

15 MR. O'DELL: Good evening, Madam Chair and  
16 members of the Commission. My name is Michael O'Dell  
17 and I live at Harbor Square, a 447-unit cooperative  
18 one block south of the waterfront project.

19 I strongly support the proposed waterfront  
20 project, especially the reopening of 4th Street  
21 between M and I. I support this action for two  
22 reasons. First, it can improve safety and access; and  
23 second, urban planners have long recognized that many  
24 of the vehicular streets that were converted to  
25 pedestrian walkways 30 years ago, have failed and have

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1 created other problems.

2 First, reopening 4th Street will improve  
3 safety and access. The Fire and Police units that  
4 serve our community are located on the north side of  
5 the Southeast/Southwest Expressway. Because of the  
6 expressway, 7th Street is the only unimpeded street  
7 for nine blocks between South Capitol Street and the  
8 L'Enfant Plaza promenade connecting residential  
9 Southwest with the area north of the expressway. The  
10 only other street that connects the Monumental Mall to  
11 residential Southwest is 4th Street. However, the  
12 existing Waterside Mall cuts it off between M and I  
13 Streets. The reopening of 4th Street will not only  
14 improve access for our residents, but it will greatly  
15 improve our safety by improving access for our police,  
16 fire and medical emergency personnel, especially for  
17 those of us who live south of the proposed project.

18 In this time of heightened security,  
19 reopening 4th Street will also aid our residents south  
20 of the project in the event of an emergency  
21 evacuation.

22 In addition, because many of our  
23 neighborhood streets are not through streets and dead  
24 end in traffic circles, the reopening of 4th Street  
25 would also help in relieving the pressure placed on

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1 our neighborhood when traffic backs up during evening  
2 rush hours because of actions on the 14th or South  
3 Capitol Street bridges.

4 Second, many streets converted to  
5 pedestrian walkways have failed and have created other  
6 problems.

7 I was raised in the mid-Hudson Valley near  
8 Poughkeepsie, New York when in the 1960s it was  
9 designated a model city as part of a new federal urban  
10 renewal program. It experienced much of the same  
11 redevelopment problems that Southwest did, including  
12 the closing of several blocks of its downtown to  
13 create a pedestrian mall. Within a few short years,  
14 the area declined and all major and many mom and pop  
15 stores in the pedestrian mall closed. The street  
16 became crime ridden and home to vagrants and people  
17 felt unsafe.

18 Recently, the city reopened the street to  
19 vehicular traffic and the street has come back to life  
20 and the downtown economy is rebounding. Similar to  
21 Poughkeepsie, Waterside Mall has slowly, but  
22 consistently declined over the years, even with the  
23 presence of thousands of EPA employees and support of  
24 neighborhood residents. The Mall once had movie  
25 theaters, fine restaurants, a gourmet food store and

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1 an upscale meat market. Reopening 4th Street, along  
2 with the other proposed changes, could be part of an  
3 economic engine that could provide our community with  
4 an opportunity to establish a vibrant cityscape and an  
5 economically viable neighborhood center.

6 More recently, the District has also  
7 demonstrated that reconverting pedestrian walkways  
8 back to vehicular traffic leads to immediate  
9 neighborhood benefits when it reopened F Street,  
10 adjacent to the Portrait Gallery and G Street, next to  
11 the Martin Luther King Library.

12 CHAIRMAN MITTEN: You need to wrap it up.  
13 You're out of time.

14 MR. O'DELL: I strongly urge the approval  
15 of the waterfront project as it is planned and  
16 reopening of 4th Street Southwest. Thank you.

17 CHAIRMAN MITTEN: Thank you. Mr. Herman,  
18 if I could get you to turn on your mic there and  
19 identify yourself for the record.

20 And Mr. O'Dell, if you wouldn't mind  
21 shutting your mic off.

22 MR. HERMAN: My name is Tom Herman. I am  
23 representing myself here although I happen to be a  
24 member of the Board of Directors at Tiber Island  
25 Cooperative and the vice president of that board.

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1           You may wonder why I'm here in favor of  
2 this proposal. Well, I'm here in favor of this  
3 proposal because as has been reflected earlier this  
4 evening, there's almost nothing that could be done at  
5 this site that wouldn't grossly improve it for us,  
6 okay?

7           I'm here as an individual because I live  
8 at N806 in the 430 M Street building there at Tiber  
9 Island and as you know, we're a cooperative. We're  
10 one property, we're one deed. There are 389 families  
11 and voters there in that lot.

12           When I step on to my balcony I am within  
13 100 feet as the crow flies from the face of the  
14 proposed building, this 26-foot behind the curb there  
15 on M Street. I'm here as a sworn witness to say that  
16 I -- we did not get notification as a party within 200  
17 feet of that proposed site.

18           Now with that said and where I'm coming  
19 from and putting myself back on my balcony and let me  
20 say a couple of things. We've been working as a  
21 community there very closely with NCRC and the city  
22 planners and the like about the whole great  
23 waterfront. They have guaranteed us that one of the  
24 elements of that program will be that when you come  
25 out of the Metro station, you will feel like you're on

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1 the waterfront. But with this new building standing  
2 110 feet plus 18 feet of mechanical space or 128 feet  
3 and 26 feet from the curb of the M Street, I want you  
4 to come up out of the Metro station there and look to  
5 your left where NCRC and the people who are doing the  
6 waterfront project says we will get a feeling of being  
7 at the water. It can't happen with that massive  
8 building there. It's a canyon.

9 So although I support the program, I want  
10 that M Street building across from the 4th Street to  
11 the 6th Street side, I want that building set back  
12 further. I want it stepbacked and I want a height  
13 that's not the height of the current EPA buildings,  
14 but a height of no more than 80 feet.

15 That's about or that is about the height  
16 of our building. If our building is a little bit  
17 more, because I didn't measure it, 90 feet, okay?

18 CHAIRMAN MITTEN: All right, you need to  
19 wrap it up.

20 MR. HERMAN: Besides that, I think there  
21 are going to be environmental concerns. I think the  
22 project has to take less than 20 years because I'm  
23 going to be really old in 20 years and I don't want to  
24 be sitting on my balcony with dust coming up at me and  
25 I think it has to be an environmentally friendly

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1 project. That place is not environmentally friendly  
2 now and I just want to make sure that you make that  
3 plot environmentally friendly for us. Thank you.

4 CHAIRMAN MITTEN: And sir, I don't know  
5 your name, so I'll have to just say the fellow on the  
6 end there.

7 MR. POTTS: My name is LeRoy Potts and I  
8 appear this evening as a member of the Board of  
9 Directors of the Tiber Island Cooperative. Tiber  
10 Island is a community of 389 households located in  
11 four high rise apartment buildings and a number of  
12 townhouses directly across from M Street and from the  
13 proposed Waterside Mall redevelopment.

14 We are the largest residential community  
15 within 200 feet of the Waterside Mall. We support the  
16 redevelopment of the parcel as an element of the  
17 District's program to revitalize the Southwest  
18 waterfront. This is the neighborhood where we live,  
19 shop and recreate. We have worked hard to maintain  
20 our award-winning property over the 30 years that it  
21 sprang from the redevelopment of the area.

22 While we support the PUD, we offer some  
23 specific recommendations on how we believe the effort  
24 can be improved.

25 Specifically, we would like to see 4th

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1 Street reestablished as a vehicular route through the  
2 property. We are very concerned about the building  
3 height, the setback. We believe that these items are  
4 connected in that their combination will control the  
5 feeling along M Street. Again, this is a waterside  
6 development. It's supposed to be reconnected to the  
7 waterfront. It will be difficult to reconnect it to  
8 the waterfront if the buildings are of such a height  
9 that people cannot come out of the Metro and feel that  
10 they are part of the Southwest waterfront.

11 We believe that a project calendar that  
12 accomplishes the redevelopment of the PUD in a  
13 reasonable, fixed period should be established so that  
14 our neighborhood is not made into an unending  
15 construction site. Twenty years is too long for this  
16 process to go on.

17 Finally, design. The project should use  
18 materials that are warm and welcoming and would add  
19 architectural beauty. We fear a poorly designed and  
20 conceived steel and glass box that detracts from our  
21 attractive neighborhood. Development is already in  
22 process along M Street. We are concerned about the  
23 buildings that have gone up so far. We hope that this  
24 project will be a real enhancement for our  
25 neighborhood.

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1           And finally, I would like to say as a  
2 member of the Board of Directors of Tiber Island  
3 Cooperative, I too find it is unfortunate that we were  
4 denied party status, twice. I hope that you will give  
5 full consideration of our remarks this evening.

6           Thank you.

7           CHAIRMAN MITTEN: Thank you, Mr. Potts.  
8 Any questions for this panel?

9           Any questions?

10           Mr. Herman or Mr. Potts, I'll let either  
11 of you answer. I have to say I've been to the Metro  
12 at Waterside Mall a number of times, but I've never  
13 made it a point of casting my eyes to the water. How  
14 would you describe the experience now?

15           You need to turn on your microphone.

16           MR. HERMAN: The building that sits where  
17 this proposed building between 4th and 6th Street is  
18 set back from the curb now about almost 100 feet,  
19 maybe a little bit more than a 100 feet. So if you  
20 come out of the Metro, you have a chance to see at  
21 least a little bit of water. Okay, if you're careful.

22           But with this case, they're moving the building  
23 forward at least 75 feet. I live there. I walk  
24 through that parking lot. I have people asking me,  
25 where's the water? Where's the ship? And I have to

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1 say it's right there.

2 CHAIRMAN MITTEN: So you wouldn't describe  
3 it as a breathtaking vista at the moment?

4 MR. HERMAN: No, but the new plan for the  
5 waterfront is that M Street is going to continue  
6 straight on down and the whole area across from the  
7 Arena Stage there where the church now sits, that  
8 whole area is going to be redesigned so that you can  
9 see the water. And so that you can see the water,  
10 supposedly, from the Metro site.

11 CHAIRMAN MITTEN: Okay. Mr. Potts, did  
12 you want to add anything?

13 MR. POTTS: Yes, and I would like to sort  
14 of add on to what Tom has said.

15 What we're looking for is a holistic  
16 approach to how this project has developed. It has to  
17 be developed in concert with what is being planned for  
18 the waterfront. At this time, we cannot call this  
19 project a success if once it's completed it is  
20 divorced, it is cut off from the project that goes  
21 down on the waterfront. You have to have some sort of  
22 connection with it. And right now, as the plans that  
23 we see before us, there's very little to go on that  
24 would give us encouragement to say that the plans of  
25 this project have taken into consideration what is

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1 going to go down on the mall.

2 CHAIRMAN MITTEN: I understand.

3 MR. HERMAN: The Office of Planning and  
4 NCRC are giving us documents as recently as a month  
5 ago that show the face of the M Street building set  
6 back further from the curb than this proposal. So I'm  
7 getting right from my same what I consider a whole  
8 team is redeveloping my neighborhood, two different  
9 pictures.

10 CHAIRMAN MITTEN: Okay. Very good. Let  
11 me just see, Mr. Assalaam, any questions?

12 MR. POTTS: Can we add our remarks into  
13 the record?

14 CHAIRMAN MITTEN: Absolutely, anything you  
15 have submitted in writing, we'd love to receive it.  
16 Thank you.

17 All right now, ma'am, I'm sorry you didn't  
18 get a seat at the table the last go round, I  
19 apologize. And sir, in the back. Is there anyone  
20 else who would like to testify in support at this  
21 time?

22 MS. FELDMAN: My name is Margaret Feldman.  
23 I didn't realize that I had to sign up again today.  
24 I was signed up for last time.

25 I really would like to be able to revise

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1 my remarks very much, based on the testimony that has  
2 been given this evening, but I do have some comments  
3 that I think are -- I am in favor of the opening up of  
4 4th Street and that's what I focused on more than  
5 anything else. And but in the meantime, I would like  
6 to call the attention of people, OP as well as others,  
7 that over the years about the last five years, we have  
8 had about -- we have had at least two surveys of  
9 people what stores would you like in Southwest and the  
10 requests, I really appreciate the work that the ANC  
11 did and the call for additional stores and amenities.

12 We want a hardware store. People want  
13 upscale sit down place for afternoon coffee and tea,  
14 that kind of thing. And in my estimation, a vibrant  
15 neighborhood needs housing, needs people. It needs  
16 offices, but it needs destinations as well. So the  
17 hope would be that in my mind that there would be  
18 things like the bowling alley, like specialized stores  
19 like Fresh Fields, but these kinds of things that  
20 would draw people to this place.

21 But I go back again to the question of  
22 residents. We do not have sufficient residents,  
23 enough people to really merit in my mind a full-scale  
24 mall. We don't draw half a million or several hundred  
25 thousand. We have a small area. Therefore, we need

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1 these additional people, we need to have destinations  
2 as well.

3 The surveys that we have done show that  
4 people from all areas of our neighborhood, all  
5 economic groups go other places to shop. Therefore,  
6 based on the surveys that we have done, to look at  
7 what is it that our people are going to other places  
8 for would be a help, it seems to me, to find the kinds  
9 of amenities, the kinds of stores that people like.

10 I'd like to really push the concept of  
11 housing. That has bothered me right from Day 1. The  
12 prices of housing, the demand for housing now is up so  
13 much and there's no place as close to downtown as  
14 attractive as Southwest as our present place.

15 CHAIRMAN MITTEN: Can you give me your  
16 closing thoughts? You're just about out of time.

17 MS. FELDMAN: I'd like to see the towers,  
18 one of the towers started immediately. I'm also  
19 involved, I'm also interested in speed. One of the  
20 towers, it seems to me, could be converted to  
21 apartments right away. I don't think anybody has  
22 talked about the one additional concept I have is that  
23 the opening up of 4th Street would reconnect the  
24 northern part of our neighborhood with the south.  
25 That mall has been a barrier, really, to easy

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1 interaction. So I'm very much in favor of that and my  
2 picture of an evening at that area now with bright  
3 lights on each side, trees with little tinkly lights  
4 on them, benches, all of this, I think would make a  
5 lovely place that would be attractive to bring people  
6 from outside and bring out our neighborhood residents  
7 as well as visitors to our neighborhood and increase  
8 the viability and I can't stress enough the concept of  
9 the green building, environmentally correct. Our  
10 neighborhood has -- our malls have had reputations  
11 contrary to that.

12 CHAIRMAN MITTEN: And the EPA was in there  
13 too. That doesn't make sense.

14 MS. FELDMAN: For several years I have  
15 been calling for a green building to overcome that  
16 image. So I would hope we could do that.

17 CHAIRMAN MITTEN: Thank you. Mr. Richard.

18 MR. RICHARDS: Good evening and thank you  
19 for giving me this opportunity to speak on behalf of  
20 the Waterfront Project. My name Stephen Richard. I'm  
21 the Executive Director of Arena Stage on the corner of  
22 6th, Maine and M, Southwest.

23 Arena Stage has made its home in  
24 Southwest, D.C. since 1960 and has seen the area  
25 through times of growth and times of stagnation. We

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1 have a vested interest in our community and hope to  
2 see it not only survive, but thrive.

3 We have our roots there. And even when  
4 given the opportunity of moving downtown several years  
5 ago, we chose to stay. Many other businesses have  
6 not.

7 The slow decline of the commercial  
8 vitality of a neighborhood is significant and sends a  
9 clear message that change is essential. That is why  
10 we are excited by the prospect of the waterfront  
11 project.

12 As you know, some of the neighborhood is  
13 opposed to the development in its current form. While  
14 we are extremely sympathetic to our neighbors'  
15 concerns and without dwelling on the details of the  
16 plan, we at Arena Stage feel strongly that the  
17 existing mall must have significant changes and growth  
18 in order to adequately serve the needs of the  
19 neighborhood and the needs of Arena Stage.

20 We are confident that the final design for  
21 the project will meet all these needs.

22 As we move forward with plans for a major  
23 renovation of our building, we are pleased that the  
24 waterfront project has chosen this time for  
25 redevelopment. We need other amenities to help draw

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1 people into Southwest. For example, proposed  
2 restaurants will provide dining options for our  
3 patrons in Southwest, rather than forcing their  
4 spending into other parts of the city.

5 We have already established a working  
6 relationship with the waterfront team that we look  
7 forward to continuing. For example, when we recently  
8 needed parking and rehearsal space, they graciously  
9 offered what they had and the ground work has already  
10 been laid for the future as we work with them on a  
11 joint parking agreement for our patrons.

12 The waterfront project has the potential  
13 to be a catalyst for future economic development in  
14 the area. We believe everyone benefits by the  
15 presence and energy of new residents and office  
16 workers that will truly make this a vibrant and  
17 economically viable community, the kind of community  
18 that theater thrives in.

19 So as a friend and neighbor, we support  
20 the waterfront project zoning application. Thank you.

21 CHAIRMAN MITTEN: Thank you, Mr. Richard.

22 Any questions for these folks? Any questions, Mr.  
23 Hannaham?

24 COMMISSIONER HANNAHAM: Ms. Feldman, the  
25 survey that you mentioned, have you shared that with

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1 the Applicant or other people who are involved in this  
2 issue?

3 MS. FELDMAN: We've told them about it and  
4 we've looked it up, but nobody has asked us for it.  
5 We haven't exactly taken it forward to them which we  
6 should do.

7 COMMISSIONER HANNAHAM: Could you share a  
8 copy of it with us?

9 MS. FELDMAN: For the entertainment of the  
10 crowd, the last business that was taken from Southwest  
11 was a hardware store. It was the issue that -- the  
12 court case that finally ended the business in  
13 Southwest. The top of everybody's list when you ask  
14 them what they want is a hardware store. So I think  
15 that's just an interesting thing of the need for a  
16 particular kind of service, among others.

17 COMMISSIONER HANNAHAM: I was just going  
18 to recommend that you just give them a copy, even  
19 though they haven't asked you for us.

20 MS. FELDMAN: Good idea.

21 COMMISSIONER HANNAHAM: And the ANC too.

22 MS. FELDMAN: Why not?

23 COMMISSIONER HANNAHAM: Thank you.

24 CHAIRMAN MITTEN: Thank you, Mr. Hannaham.

25 Anyone else?

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1 Thank you, folks. Thank you.

2 All right, last call, anyone who would  
3 like to testify in support?

4 I just want to do a little time check  
5 here. We're at a quarter to 9. Can I just see a show  
6 of hands of who plans to testify in opposition, just  
7 to get a sense. Okay, we're doing great. Okay, we'll  
8 just keep slogging along then.

9 Okay, we'll have Mr. Mittendorf come  
10 forward and Mr. Westbrook. Avis, it's either Black or  
11 Block, I can't make it out exactly. And Andy Litsky.

12 Did you want to testify separately? All  
13 right, then we'll have Beverly Campbell. Is Beverly  
14 Campbell here? Okay, we can take one more person.  
15 Who'd like to testify in opposition then at the table?  
16 Would you like to have a seat at the table then?

17 All right, so we have Mr. Mittendorf who  
18 will have five minutes; Mr. Westbrook will have three  
19 minutes. Ms. Black will have five minutes.

20 We'll have Mr. Mittendorf go first.

21 MR. MITTENDORF: I'm Mr. Mittendorf, the  
22 past second vice president of the Southwest  
23 Neighborhood Assembly and to briefly explain, I'm here  
24 to represent the Assembly Board with respect to the  
25 results of the survey that we conducted in December

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1 that talked about the Waterside Mall and presented 10  
2 questions to the community and we got quite a response  
3 and my presentation will be on that.

4 Basically, SWA Board was asked several  
5 times back in the summer and early fall to take a  
6 position on the PUD application which we had heard  
7 about it at several meetings, some that we had asked  
8 the developers to present and others that they had  
9 presented themselves. And the board members took the  
10 position that they could not speak for the community  
11 because they didn't know how the community would like  
12 to speak and there are 17 members of the board. They  
13 weren't certain that a vote of the board would be  
14 appropriate.

15 So a compromise was reached at which point  
16 the board decided that they would conduct a survey and  
17 after two and a half months of language writing and  
18 cutting down and so forth and knocking out questions  
19 and getting parking issues resolved at meeting so we  
20 didn't have to raise that as a question, a survey was  
21 place before the community in early December, 10  
22 questions, 1 page. You could fold it up and mail it  
23 in. We got over 600 responses by December 31st. Some  
24 of the mail-ins came in as late as January 6th. That  
25 was the first time I went to the Post Office to get

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1 them after the end of the New Year.

2 Basically, the results were as I've shown  
3 you on page 2 of my submittal and the results  
4 basically followed what we had found when we had a  
5 number of meetings which was that there was a lot of  
6 objection to the street.

7 Our very first question was do you favor a  
8 roadway or a pedestrian walkway? The board  
9 purposefully decided not to ask for no answers because  
10 people got confused and the results were that 50  
11 percent would prefer a pedestrian walkway instead of  
12 the street.

13 On questions of the height of the  
14 buildings there was a surprise. Although there was a  
15 lot of controversy, particularly from the Tiber Island  
16 area and the south side of the Mall facing the Mall  
17 from M Street, basically 49 percent said that they had  
18 no objection to the heights proposed by the developer  
19 on the M Street side. However, because a number of  
20 people in District 1 which is near the waterfront  
21 changed their votes on height, there were actually  
22 people that objected more to the height of the  
23 buildings on the back side near where the churches are  
24 on I Street and that surprised a lot of people.

25 With regard to pedestrian safety, it was

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1 fairly obvious. People voted against the street and  
2 almost in the same voting they said that yes, it is  
3 going to be not as safe as pedestrians to have the  
4 street. It would be safer to have the pedestrian  
5 walkway.

6 On the question about would the PUD plan,  
7 will safety from crime improve, to the surprise o fa  
8 number of people that thought when you put a street  
9 through it will make things safer than the Mall, a lot  
10 of people that voted for the street also joined the  
11 others in saying no, putting the street through as a  
12 factor does not affect crime in our area. Crime is  
13 going to be there whether or not you put the street  
14 through and that was a major surprise.

15 On question 7 and 8 dealt with the stores  
16 that were there and the stores that are proposed in  
17 the future. And basically, in the largest group of  
18 people that were in favor of anyone questioned were in  
19 favor of the current store owners having the right to  
20 come back or having the ability to negotiate for  
21 leases to come back once the two year reconstruction  
22 period ends and the retail space is put back in place.

23 And as to Question 9, which asks which  
24 kinds of stores and restaurants and so forth would you  
25 like to see in the development, the article that I

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1 wrote that explains what kind of responses they had to  
2 that question basically comes down to this, the  
3 community wants everything. They want about eight or  
4 nine different restaurants in there. They want  
5 clothing stores. They want a hardware store. They  
6 want bookstores. They want another grocery store to  
7 compete with Safeway.

8 As I mentioned to Art Moseley of Kempfer  
9 Company, you could put 300,000 square feet of retail  
10 space in there very easily with all the desires that  
11 the neighborhood has.

12 The Mall might be a retail mecca for  
13 people to come to if it is made such. If you use the  
14 fact that it's go ta waterfront Metro stop there --

15 CHAIRMAN MITTEN: You need to wrap it up  
16 now.

17 MR. MITTENDORF: Basically, the last  
18 question, in almost the same ratios that approved or  
19 didn't approve the street, people said no, we don't  
20 think the plan as it is now will improve the quality  
21 of life in Southwest. However, there's one big thing.

22 A lot of people in the community like the idea of the  
23 development and don't like certain ideas about it,  
24 like the height of the street. And the important  
25 thing to get out of Question 10 is this, 20 percent,

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1 100 people out of 500 that were in the final survey  
2 switched their allegiance from one side of that issue  
3 to the other in voting on Question 10. So it wasn't  
4 just I'm for the street, so I'm for the quality of  
5 life. And I'm against the street and I'm against the  
6 quality of life. One hundred people changed their  
7 vote. So there's a lot of angst in the community and  
8 I think if you read the submission I made that gives  
9 actual statements from the community, people, and if  
10 you read the actual surveys that you have one copy of,  
11 you can see the actual comments that people made when  
12 they responded to the survey.

13 CHAIRMAN MITTEN: Thank you. Mr.  
14 Westbrook, you're next. You're going to need to get  
15 on that microphone and if you'd like to be on the  
16 cordless. Give that to the staff and they'll pass it  
17 to us. We need to look at it or you need to look at  
18 it? Okay, I just want to make sure.

19 MR. WESTBROOK: Good evening, I'm Richard  
20 Westbrook. I reside at 505 H Street, Southwest. I  
21 moved into the Southwest urban renewal area in 1964,  
22 bought my present residence in 1966. I've been here  
23 ever since. Went through all of this stuff on and on.

24 The materials that I've submitted, the  
25 first letter, the letter is the one that the ANC sent

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1 to you prior to the hearing action. And I'll describe  
2 a little bit of that later on, but the second page is  
3 the approved land use plan for Project C which this  
4 facility is located or was, I guess, there is no  
5 project C any longer, as you well know. We've zoned  
6 it.

7 That text is from the urban renewal plan,  
8 a copy of which is a rarity in this city. The page,  
9 second page is a suggested site plan that was prepared  
10 by Webb and Napp which was the Zechendorf proposal and  
11 architects maybe have been Harry Wiese and I.M. Pei.

12 Then the last page is the street openings  
13 and closings and so on that were approved by the  
14 National Capital Planning Commission and the three  
15 Commissioners. That was how the process of urban  
16 renewal was.

17 NCPC approved the plan. Three  
18 Commissioners just rubber stamped it and unless they  
19 didn't agree with it, then they sent it back to NCPC.

20 This was never sent back. And of course, there have  
21 been amendments over the years. This was approved in  
22 1956.

23 As you can see on the diagram, the  
24 streets, 4th Street is still a platted street. I'm  
25 assuming it's still in the Land Records of the

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1 District of Columbia as a street. It has an easement  
2 over it that says a building can be built over this  
3 street, if it's approved by the three Commissioners.  
4 And obviously, it was because you now have what's in  
5 that photo.

6 My opposition to this is that I think we  
7 need some more time to see what the matter of right  
8 development will do here. The matter of right  
9 development permits the street to go back through and  
10 quite a bit of redevelopment and I think maybe after  
11 we take a look and see what they can do by right, we  
12 would come back and then review a PUD, if possible.  
13 But just to let you see the other side of these  
14 photos.

15 CHAIRMAN MITTEN: Okay, and then I need you to  
16 wrap it up because you're out of time. But when you  
17 bring pretty pictures, then we like to see those.

18 MR. WESTBROOK: These are the developments  
19 over in Arlington County, the Pentagon Row and  
20 Clarendon Market which I am proposing as a pilot  
21 project for this area which would be on both sides of  
22 4th Street where you'd have retail space on the ground  
23 floor and apartments above. And this could be done  
24 under matter of right, with maybe a variance requested  
25 for a little more height so that you could get up to

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1 90 feet.

2 CHAIRMAN MITTEN: You're going to need to  
3 leave that with us.

4 MR. WESTBROOK: I'll get you some xerox  
5 copies, please.

6 Well, the other photo is in the  
7 Applicant's submittal. They borrowed it from me.

8 CHAIRMAN MITTEN: I did notice the  
9 attribution there.

10 MR. WESTBROOK: Thank you.

11 CHAIRMAN MITTEN: Thank you. I've already  
12 forgotten, Ms. Black?

13 MS. BLACK: My name is Avis Black. I'm  
14 the Area Real Estate Manager for Safeway. I came  
15 tonight to give you Safeway's view of the current  
16 plan. Safeway believes that redevelopment of the  
17 Waterside Mall is a very good thing and could be very  
18 good for Safeway and the community. In fact, we spent  
19 many months talking to the Applicant, hoping that  
20 there was an opportunity for us to build a larger  
21 store in the development. Regrettably, we weren't  
22 able to reach an agreement, largely because we  
23 couldn't agree on a plan that gave us what we felt we  
24 needed for a successful store and giving them what  
25 they needed for successful office project.

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1           So now we have to focus, Safeway has to  
2 focus on what will happen in the interim which is what  
3 the Applicant is calling the interim plan. When the  
4 hearing started, we had not seen anything more than a  
5 conceptual drawing as to what would happen during the  
6 length of our lease which will be about a 17-year  
7 period. That's what we have left on our lease. And  
8 we couldn't comment or say anything about whether we  
9 would be in support of it because we had not enough  
10 details.

11           Since then, we've been given a more  
12 detailed, although still conceptual plan that would  
13 reflect what would be done with the bulk and the  
14 generalized plan which I think is the subject of  
15 tonight's hearing and it is that plan which the devil  
16 is in the details that we cannot support and we do  
17 have serious objections to because we think it would  
18 affect our operations and create problems for us  
19 operating in the near term.

20           Specifically, and we have discussed our  
21 objections with the Applicant and the city,  
22 specifically, it has to do with some parking ratios,  
23 reducing our surface parking. It has to do with the  
24 ingress and egress to the parking areas in front of  
25 our store which would remain and the lack of more than

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1 one point of ingress and egress to that parking area.

2 We had proposed and had discussed and had  
3 proposed many months ago that there be at least a  
4 right out driveway from our parking areas as it now  
5 exists to the new 4th Street and that has been  
6 rejected, I think, in some part because there is a  
7 desire not to interrupt a plaza area.

8 Unfortunately, when you're dealing with  
9 mixed uses you have to look at -- the need of every  
10 use. And it is our belief that the two uses can be  
11 accommodated. A plaza could still be created that  
12 would provide an amenity to the project while giving  
13 us a driveway so that our customers will have more  
14 than one way to get out of the parking lot.

15 We're a convenience business. The  
16 convenience to our customers of coming to the store,  
17 parking, using the parking lot is very important to  
18 our operation and I think it's a critical thing for  
19 the operation of the project as a whole because in  
20 this interim plan, the same point of entrance off of M  
21 Street will serve our parking lot, our trucks  
22 unloading and a new driveway, well, I don't know  
23 whether it's a large driveway or a small road, but one  
24 that's proposed to connect M Street with I Street as a  
25 part of this interim plan.

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1           So it is for these sort of more detailed  
2 reasons we've been advised that we have to raise our  
3 objections now because if you approve this generalized  
4 plan, subsequent, more detailed plans must conform to  
5 it and so these discrepancies in our view that affect  
6 us directly, we felt we had to make you aware of.

7           CHAIRMAN MITTEN: Thank you, and if you  
8 could submit something in writing that would  
9 articulate these in maybe a little bit better detail  
10 about -- you mentioned parking ratios, but we don't  
11 know what you have now versus what you're proposing  
12 and so forth.

13           MS. BLACK: Sure.

14           CHAIRMAN MITTEN: That would be very  
15 helpful. Ma'am? I need you to turn on the mic.

16           MS. HUMPHRIES: Yes, my name is Susie  
17 Humphries and I'm struggling with a migraine today.  
18 I've left my written statement at home. If I can  
19 bring that to you, where would I send it?

20           CHAIRMAN MITTEN: Mr. Bastida and he can  
21 give you the contact information.

22           MS. HUMPHRIES: Bastida. Okay. There are  
23 two main problems that I see. One is the problem of  
24 the poor management of the mall that exists now and  
25 the other is the current fad of homogenization of

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1 development.

2           When I first came to D.C. I lived north of  
3 the mall at 800 4th Street, Southwest. Now I have a  
4 condominium at 4th and M Street at 456 M Street at  
5 Tiber Island. And I've lived there for over 10 years.

6           In contrast of what the planners have  
7 said, Waterside Mall unifies the neighborhood. It  
8 doesn't divide it. I now meet the neighbors I had  
9 from the north side of the mall, in the mall. It's a  
10 place, a meeting place for us. We gather there. It's  
11 used as job fair - -for job fairs. It's used as  
12 library book sales. It's used currently even for  
13 historical display. It was even used by our Mayor as  
14 he had a propaganda meeting for all the great things  
15 he was going to do to our neighborhood.

16           When Mr. Baranes presented his work at the  
17 last meeting, he presented the statements that the  
18 suburban model of the mall doesn't work with the  
19 parking around the outside. I think it's true our  
20 current mall doesn't work well, but that's due to  
21 management. It's not due to the design. If you looked  
22 at his presentation and the upper part of one slide,  
23 there was an urban mall and he was proud of it. His  
24 company had planned it. It works.

25           In the questioning of him afterwards and

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1 not given in his presentation, he admitted that  
2 Safeway wasn't happy with his proposed model, but now  
3 a grocery store is essential for a residential  
4 community, even though it's not for the planners.

5 CHAIRMAN MITTEN: I'm going to need you to  
6 wrap it up here in a few seconds.

7 MS. HUMPHRIES: As a handicapped person,  
8 visually, I find the mall much easier to navigate,  
9 especially when burdened with packages than I do  
10 having to cross the street back and forth and that was  
11 true for my late mother as well with her gait slowing  
12 and we're all aging, even politicians and developers  
13 who don't live in Southwest.

14 We need an improved mall. We let the land  
15 be used for retail space and not be taken away by  
16 streets. On a couple of occasions, Mr. Baranes said,  
17 a street would cause the need for the heightened  
18 buildings. Well, get rid of the street, have the  
19 buildings be of lower height and setback and have more  
20 retail space.

21 CHAIRMAN MITTEN: Can you just give us  
22 your closing thought?

23 MS. HUMPHRIES: Leave the roads for the  
24 commuters by established commuter pathways and  
25 encourage public transit. Use the public system,

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1 advertise it in the subway system which has never been  
2 done.

3 CHAIRMAN MITTEN: Thank you. And we'll  
4 look forward to getting your written statement.

5 MS. HUMPHRIES: Thank you. It will be  
6 much more coherent.

7 CHAIRMAN MITTEN: Just have a seat there  
8 and let me see if anyone has any questions? Any  
9 questions for this panel, anyway?

10 COMMISSIONER MAY: I have parking  
11 questions or Safeway questions. You say you've  
12 already tried to look at a way to fit Safeway into the  
13 plan development, long term, and that's not worked.

14 MS. BLACK: No.

15 COMMISSIONER MAY: Can you boil that down  
16 to a couple of simple reasons why that hasn't worked?

17 MS. BLACK: Well, I would say it's because  
18 there are certain things that we feel as a grocery  
19 store we need and that conflicts -- when you're trying  
20 to put together multiple uses, that conflicts with  
21 what they feel they need for an office, specifically  
22 their office core and the designs that they came up  
23 with for us didn't meet our needs because they were  
24 putting us off the street with very little presence on  
25 the street.

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1           We need to be a retail presence on the  
2 street and that was driven by the fact they needed  
3 their office core in a certain place because they  
4 needed a certain floor space. I don't profess to  
5 being an office person, but this is my take on their  
6 rationales.

7           So after many months and much effort on  
8 both sides, we just felt that it wasn't going to work.

9           COMMISSIONER MAY:       Okay, so there's  
10 sufficient square footage theoretically, but just not  
11 in the right place?

12           MS. BLACK: Right.

13           COMMISSIONER MAY:       And was there  
14 sufficient parking availability?

15           MS. BLACK: That is somewhat of an issue  
16 as well because of --

17           COMMISSIONER MAY:       You're looking for  
18 surface parking?

19           MS. BLACK: That was our ideal world to  
20 have some limited surface parking. The plan that we  
21 had suggested would put us in the middle of the east  
22 side of 4th Street with a driveway and some surface  
23 parking, the remainder to be down below. It wouldn't  
24 be surface parking in the sense of -- it wouldn't be  
25 visible from 4th Street. It would be internal to the

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1 other building.

2 COMMISSIONER MAY: I see.

3 MS. BLACK: But they rejected that because  
4 they have an office building going above that and they  
5 have to place their core to meet their needs and that  
6 made it very difficult for us to lay out a store  
7 basically.

8 So we tried, I think, very hard, but  
9 because of those conflicting needs, we felt there  
10 wasn't going to be a common ground there.

11 COMMISSIONER MAY: Okay, that's helpful,  
12 thank you.

13 CHAIRMAN MITTEN: Anyone else have  
14 questions for this panel?

15 VICE CHAIRMAN HOOD: Madam Chair, I just  
16 wanted to state while Ms. Black was at the table that  
17 I have a big concern about Safeway not being a part,  
18 as of yet, because as far as I'm concerned that goes  
19 against our regulation 2403 which talks about the  
20 impact of the surrounding neighborhood and that's a  
21 piece which I think goes back to what Mr. Assalaam was  
22 saying about services used by the neighborhood. I  
23 have a serious concern because if Safeway is not a  
24 part of this piece, a piece of this puzzle, then I  
25 have a big problem with this whole project. So I just

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1 want to put that out there for the Applicant to  
2 understand that.

3 Thank you.

4 CHAIRMAN MITTEN: Thank you, Mr. Hood. Ms.  
5 Giardano, any questions for this panel?

6 MS. GIARDANO: No questions.

7 CHAIRMAN MITTEN: Mr. Assalaam, any  
8 questions for this panel?

9 MR. ASSALAAM: I would like to ask --

10 CHAIRMAN MITTEN: Then you're going to  
11 need to come and get a seat at the table. Maybe Mr.  
12 Westbrook, if you could just scoot over and make room  
13 for Mr. Assalaam and bring up another chair.

14 MR. ASSALAAM: I just have a quick  
15 question for Ms. Black.

16 Are you aware of the developers' proposal  
17 for a tunnel on the other side of the mall where  
18 people would park and then come under the tunnel over  
19 to the Safeway and then have to go back with their  
20 groceries and how do you feel this would affect  
21 Safeway's safety and your aging customers?

22 MS. BLACK: I'm not aware of that proposal  
23 at all. I would have to understand it a little bit  
24 better what they're proposing. My gut reaction is not  
25 very positive.

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1 MR. ASSALAAM: Thank you. That's my only  
2 question.

3 CHAIRMAN MITTEN: All right. Thank you  
4 all. Anyone else who would like to testify in  
5 opposition?

6 Mr. Solon? Anyone else? Okay, this is  
7 your last chance.

8 I think each of you is deferring to each  
9 other as the senior member, so -- I'm not going to  
10 make that call, so -- okay.

11 I need you to turn on that microphone by  
12 pushing the button on the base.

13 MR. MILLER: Are we all right now?

14 CHAIRMAN MITTEN: Yes.

15 MR. MILLER: My name is Jonathan Miller.  
16 I am new to the area and new to the Waterside Mall,  
17 but I live on N Street in Southwest. The mall is  
18 where I bank, shop and have access to the Metro. I'll  
19 be 86 years of age on my next birthday and through the  
20 grace of God, I'm in good enough health to walk  
21 quickly and surely. That is significant in this  
22 community because so many of my neighbors that I see  
23 on 4th Street and around the mall doing their shopping  
24 are not quite able to do that.

25 I think it has to be a very definite

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1 consideration on how this mall, new mall is designed.

2 I spent many years as a travel film  
3 producer and I traveled all over the world. I always  
4 look for malls and pedestrian ways, particularly,  
5 because it made a good opportunity to see the culture  
6 and to photograph how people were living and I fell in  
7 love with pedestrian streets, not long pedestrian  
8 streets, but I lived in Japan a few years and I would  
9 go at night the streets that were covered with glass  
10 canopies and the families would be there with little  
11 children on their back, a whole community would be  
12 meeting and they'd be there sometimes 12, 12 o'clock  
13 at night. And when they were shopping all the stores  
14 would be on one side of the mall. They could walk  
15 with their carts back and forth and you crisscross,  
16 you don't have to come out on a curb or a walkdown to  
17 another area to where there's a stop light or a signal  
18 light and wait. And where we live there, a lot of  
19 people shop with grocery carts. They push them up 4th  
20 Avenue and to the Safeway as the Safeway developer  
21 would know here. And it's very important that they  
22 shop with a grocery cart because they're not strong  
23 enough to carry their groceries back.

24 Also, a lot of people go to the -- are in  
25 that area and who are physically impaired because

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1 they're at an age to where they needed a Metro place  
2 close by and a lot of them have cars and do drive, but  
3 they don't like to drive everywhere.

4 Another thing I have noticed that a lot of  
5 the families that come shop with their children. They  
6 don't have enough money to pay babysitters and they  
7 have no relatives at home to babysit for them anymore  
8 and these children dart in and out of the parking lot,  
9 I mean little two and three year olds, you can't  
10 control. You have them with them and I can remember  
11 in Europe and Japan, the families were in no danger of  
12 being run because cars were banned from these areas,  
13 and often in change of weather, the canopies were  
14 comfortable when you come in and out of the rain.

15 CHAIRMAN MITTEN: You need to close, Mr.  
16 Miller.

17 MR. MILLER: My time is up?

18 CHAIRMAN MITTEN: Yes sir.

19 MR. MILLER: Then I'd like to conclude by  
20 saying that I like -- I'm in love with pedestrian  
21 streets. I think when they're done right they can be  
22 very profitable. I am aware of one on 3rd Street in  
23 the Santa Monica area. Some people say that they're  
24 all failing, but I talked to some people on the phone  
25 recently and they're even taking a covered mall to it

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1 and they are not putting a street through it, but  
2 they're just going to connect with the 3rd Street  
3 that's there. Thank you very much for listening to  
4 me.

5 CHAIRMAN MITTEN: Thank you, Mr. Miller.

6 Mr. Solon?

7 MR. SOLON: This is the summary testimony.

8 My full testimony which I hope is before you --

9 CHAIRMAN MITTEN: It is.

10 MR. SOLON: So you can follow me part by  
11 part.

12 CHAIRMAN MITTEN: Okay.

13 MR. SOLON: Part one, misleading OP  
14 testimony. Unlike Mr. Altman's February selective  
15 history presentation and his edited comprehensive plan  
16 text, my exhibits 1 and 2 are complete and they show  
17 that a mockery was made of our Mayor's NAI stress on  
18 true community consultation. That high rise and poor  
19 marketing hurt Waterside Mall and contrary to Mr.  
20 Altman's and Ms. Ambrose's and others repeated hokum  
21 exposed early by Gottlieb Simon, the comprehensive  
22 plan does not require a roadway cut through. Exhibits  
23 3 and 4 show that the Altman site at 2001 MOU is  
24 nonbinding and that it's co-signing without notice to  
25 our ANSI, flouts the D.C. Home Rule Act.

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1           Part 2 shows that claim back to the  
2 streets trends have not been scientifically analyzed  
3 or even proven even to exist. Quotes from expert  
4 Patrick Siedman, "pedestrian malls can be a fine urban  
5 planning strategy."

6           Council Member Mendehlson, "the last thing  
7 we need is more roads. Our city is already congested  
8 as it is."

9           Benjamin Forgey, "the insistence that a  
10 site be broken up into a traditional urban box could  
11 be a significant drag on the architectural and urban  
12 design innovation with which to establish historic  
13 vistas and to tie this develop to the surrounding  
14 city."

15           Part 3 shows that the Southwest community  
16 is overwhelmingly against the PUD and proposed  
17 walkways through the roadway cut through.

18           The ANC vote on over 700 petitioned  
19 signatures -- by the way, including majority of  
20 Southwest Neighborhood Assembly Board of Directors and  
21 Greenleaf's Tracey Hooks. These signatures are part  
22 of the evidence of this.

23           Part 4 shows that there are better, more  
24 humane, safer, no street crime. T-21 alternatives to  
25 the PUD before you. Security data show that the

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1 current walkways are the safest part of our mall.

2 Part 5 shows that we are right to fear a  
3 community serving retailers would leave us with an  
4 evening and weekend dead zone.

5 Part 6 exposes Mr. Altman's February  
6 boulevard bunkum. It says that 112 foot buildings  
7 would create a 4th Street canyon, not an M Street  
8 canyon. And reminds us that building height is tied  
9 to roadway width and that with planned Southwest  
10 waterfront and mall area high rises, we will suffocate  
11 from overdevelopment.

12 I'm sorry, Mr. Hood, but part 7 shows that  
13 the DDOT traffic study is not only late, but  
14 incomplete, irrational and misleading. And that at  
15 meetings, DDOT has admitted that the PUD would  
16 decrease safety and increase 4th Street commuter  
17 traffic.

18 Finally, part 8, reality. Chairperson  
19 Mitten was right, lines on drawings can blur hard  
20 reality. In reality, the PUD would aggravate existing  
21 safety, mobility, divisiveness and other problems and  
22 add more. We need a new low rise true town center  
23 that retains our walkways, that is attractive enough  
24 for folks to come to, not just drive through. Such a  
25 project would bring ample income to the Applicants and

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1 to our city.

2           Commissioners, you've already granted the  
3 Applicants a concession. Please don't grant them any  
4 more until the roadway cut through plan is withdrawn  
5 and a more humane reality-based PUD is proposed, one  
6 that honestly brings real benefit to our community.

7           Please, ask me the questions the fuller  
8 testimony invites you to ask and more.

9           Thank you.

10           CHAIRMAN MITTEN: Thank you, Mr. Solon.  
11 Any questions for these gentleman?

12           VICE CHAIRMAN HOOD: I just want to take  
13 personal privilege. Could you expand on No. 7. I  
14 know you had three minutes. Could you expound on what  
15 you meant when you said you were sorry, you and I were  
16 in disagreement.

17           MR. SOLON: We're in disagreement.

18           VICE CHAIRMAN HOOD: Actually, I don't  
19 think so, but I want to hear you expound on it.

20           MR. SOLON: I'll just read from what you  
21 have. The way late traffic study has earned wide  
22 disrespect. Only four Southwesterns attended the final  
23 DDOT community meeting. I ask you to see Exhibit 12.

24           I took two pages from out of the DDOT report summary  
25 and I've marked those two pages and I've shown you

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1 where they don't even address what the developers  
2 themselves finally agreed to do and that is to enhance  
3 those two peripheral roadways with no names and make  
4 them two-way traffic roadways each.

5 VICE CHAIRMAN HOOD: Exhibit 12? I was  
6 looking at the traffic report.

7 Give me a second and let me catch up with  
8 you.

9 MR. SOLON: Okay.

10 VICE CHAIRMAN HOOD: Now what were you  
11 saying?

12 MR. SOLON: The developers finally agreed  
13 with me that the two peripheral roadways that they've  
14 been calling service roads can be enhanced. I  
15 measured them myself. Both about 30 feet wide. And  
16 my original idea was for these roadways to be used as  
17 north-south connectors and also as entry ways to the  
18 shopping area. And where my original idea had them as  
19 one way north for one and one way south for the other,  
20 the developers themselves said no, they're wide enough  
21 to have two lanes of traffic, two-way traffic on each  
22 of these heretofore overlooked peripheral roadways.

23 Now DDOT doesn't address that in its  
24 summary report. And we discussed that at DDOT  
25 meetings.

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1 VICE CHAIRMAN HOOD: But the testimony I  
2 heard tonight was a little different, wouldn't you say  
3 so?

4 The testimony tonight was that -- I think,  
5 that they were going to have someone park -- they were  
6 going to park on both sides of that street and there  
7 was going to be one going northbound and one going  
8 southbound. At least that was the testimony I thought  
9 I heard tonight.

10 MR. SOLON: I wasn't here for DDOT's  
11 entire testimony.

12 VICE CHAIRMAN HOOD: I think that was --  
13 unless someone can correct me, but I believe that was  
14 the testimony because I think I questioned them on  
15 that so one thing we wanted -- you might want to come  
16 up to date and then you and I can disagree.

17 MR. SOLON: The plans that they gave us,  
18 the developers gave us at the last meetings show  
19 two-way traffic on each of those unnamed peripherals.

20 VICE CHAIRMAN HOOD: I can guarantee you,  
21 Mr. Solon, we will check into that because what I  
22 heard here tonight it has changed.

23 MR. SOLON: That's news to me.

24 VICE CHAIRMAN HOOD: Thank you.

25 CHAIRMAN MITTEN: Anyone else? Questions?

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1 Ms. Giardino?

2 MS. GIARDANO: No questions.

3 CHAIRMAN MITTEN: Commissioner Assalaam,  
4 any questions?

5 MR. ASSALAAM: No questions.

6 CHAIRMAN MITTEN: All right, thank you.

7 MR. SOLON: Thank you.

8 CHAIRMAN MITTEN: And I just would remind  
9 Mr. Mittendorf, Mr. Williams, Mr. McGovern, Ms.  
10 Feldman, Ms. Humphries, Mr. Miller and Mr. Solon, two  
11 witness cards to be given to the court reporter.

12 All right, now I think we're ready for  
13 rebuttal by the Applicant.

14 Mr. May has a question for Mr. Baranes.

15 MS. GIARDANO: I was going to ask if we  
16 could have a five minute break to just coordinate our  
17 rebuttal witness.

18 CHAIRMAN MITTEN: Sure.

19 MS. GIARDANO: If we can take the question  
20 now.

21 COMMISSIONER MAY: Yes, real quick. Is  
22 there a reason why in the proposed PUD why 4th Street  
23 goes to the west of the Metro as opposed to curbing  
24 around to the east side of the Metro?

25 MR. BARANES: We would not have had much

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1 room left for a plaza had we taken it around to the  
2 east rather than the west. And we were trying to  
3 create a plaza there where you could have cafes,  
4 possibly, as well as activities.

5 COMMISSIONER MAY: The plaza couldn't have  
6 been on the other side there?

7 MR. BARANES: Oh, shifted completely to  
8 the other side?

9 COMMISSIONER MAY: Yes.

10 MR. BARANES: Uh --

11 COMMISSIONER MAY: What I'm getting at is  
12 the question whether Safeway in its current location  
13 which is inherently in conflict with the plaza, if the  
14 plaza were on the other side.

15 MR. BARANES: If it were on the other  
16 side, the only way we could get any kind of an  
17 alignment with 4th Street would be if we had the Metro  
18 escalators across the street from the plaza.

19 COMMISSIONER MAY: I'm going to try and  
20 understand that. I thought it was a simple question.

21 I guess what I'm getting at is just an  
22 exact mirror image of the development itself.

23 MR. BARANES: There's a structural reason.  
24 We'll put up a board when we come back, but there is a  
25 Metro easement that we respected also that covers that

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1 side of the escalators.

2 As I understood your question, you were  
3 asking about whether the plaza could be moved to the  
4 other side.

5 COMMISSIONER MAY: Exactly.

6 MR. BARANES: You can see, if we had done  
7 that, 4th Street would have essentially either had to  
8 cut off the escalators from the plaza or alternatively  
9 wrap around the escalators.

10 COMMISSIONER MAY: And that's what I was  
11 suggesting, actually, wrapping around the escalators  
12 on the other side and putting the plaza on the east  
13 side, I'm sorry, west side, rather than on the east.

14 MS. GIARDANO: It would be better if we  
15 answered your question after the five minute break.

16 COMMISSIONER MAY: That's fine. I just  
17 wanted to know if there's some structural reason or  
18 some inherent reason why you chose that 4th Street  
19 come down and go like this as opposed to come down and  
20 go like this.

21 MR. BARANES: It gave us the closest  
22 alignment of 4th Street to the north and 4th Street to  
23 the south, doing that.

24 COMMISSIONER MAY: Okay, it seems to me  
25 it's dead smack in the middle and you could have gone

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1 either way, but that's -- you may want to look at that  
2 a little bit.

3 MR. BARANES: Okay.

4 CHAIRMAN MITTEN: All right, so can you  
5 give me some order of magnitude of time that you think  
6 you're going to need for rebuttal?

7 MS. GIARDANO: Ten minutes.

8 CHAIRMAN MITTEN: Okay. So we'll take a  
9 five minute break now and then you'll get your  
10 rebuttal together and then we'll be convened.

11 MS. GIARDANO: Thank you.

12 (Off the record.)

13 CHAIRMAN MITTEN: I think we're ready to  
14 reconvene, if people can take their seats.

15 (Pause.)

16 This is going to be quick rebuttal, if we  
17 don't have anyone to give the testimony.

18 (Laughter.)

19 (Pause.)

20 CHAIRMAN MITTEN: Whenever you're ready.

21 MS. GIARDANO: Madam Chair, Mr. Baranes is  
22 going to address the issue about the plaza. We wanted  
23 to ask also if the Commission would have a problem  
24 with the submission of a written rebuttal statement.

25 CHAIRMAN MITTEN: Not at all.

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1 MS. GIARDANO: It's really not going to  
2 make a difference in terms of a decision because the  
3 April meeting date is too soon.

4 CHAIRMAN MITTEN: Okay.

5 MS. GIARDANO: I think it would give us an  
6 opportunity to consider a number of points made this  
7 evening and prepare a more thorough responses.

8 CHAIRMAN MITTEN: Okay.

9 MS. GIARDANO: And we could serve the ANC  
10 as a party with that response.

11 CHAIRMAN MITTEN: That would be -- that  
12 sounds wonderful way to proceed.

13 MS. GIARDANO: I think we probably only  
14 need a week to put that together or less if the  
15 Commission would desire that.

16 CHAIRMAN MITTEN: Well, I think -- when is  
17 the next ANC meeting?

18 April 14th is the next ANC meeting, so  
19 that would probably work because they would have an  
20 opportunity to review that and if there's anything  
21 that they wanted to revise at that point. Okay, that  
22 sounds good.

23 MS. GIARDANO: Okay, so I'll ask Mr.  
24 Baranes then to address the plaza issue.

25 MR. BARANES: Sure. Mr. May, this shows

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1 the proposed development and the existing situation  
2 that we have right now, we only have about 55 feet  
3 from the edge of the escalator to the face of the  
4 existing building where the Safeway is housed. Our  
5 right of way is 90 feet. In addition to that, in that  
6 55 feet we also have the easement for WMATA which  
7 infringes on it and then we also have the existing  
8 elevator for WMATA which is right there which would  
9 have to be moved if we were going to bring the road  
10 around.

11 And one other issue is bringing the road  
12 to the east through this slot here, would essentially  
13 have meant that we would not have been able to use the  
14 existing structure that you see here. This is the  
15 back of the existing structure. We're adding three  
16 floors to it, but we are maintaining that back wall  
17 and by bringing it over to this side we would  
18 essentially split it in half and still use it. Had we  
19 brought it to the other side we would have lost most  
20 of the usable area on that side and lost that  
21 building.

22 So there are four or five reasons.

23 COMMISSIONER MAY: Okay, the reason I  
24 asked this and I'll just throw it out there anyway for  
25 your consideration, given all those complications was

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1 just that it was apparently from some of the testimony  
2 tonight that the relationship of that plaza to the  
3 Metro and then to ostensibly to the waterfront, it  
4 seems to me would be enhanced by it being on the other  
5 side of 4th Street because there's this belief that  
6 somehow you should be coming out of the Metro and  
7 seeing the water. Now I know that's never going to  
8 actually happen, but relating that open space to the  
9 other side of the street, I think, would make that  
10 relationship more comfortable.

11 And then the other thing is this inherent  
12 conflict between Safeway, at least as it currently  
13 exists, and will exist for some extended period of  
14 years, and the plaza use as it is right now. There is  
15 that and we noticed this in the original hearing that  
16 there is already an uncomfortable relationship with  
17 the interim steps for that plaza and the continued  
18 operation of the Safeway. If -- granted, running the  
19 road down that side cuts into the parking more  
20 significantly, at least Safeway would have a  
21 relationship to the street and not to a plaza for that  
22 extended period and those are just a couple of  
23 thoughts I had about the design approach that you've  
24 taken. And you do with them what you'd like.

25 MR. BARANES: I will just say that in the

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1 interim plan, I think we do have a fairly good  
2 situation for Safeway which would allow -- if you  
3 imagine this were the existing building, for example,  
4 there is a covered walkway for pedestrians along that  
5 face right there. And we laid it out so that when  
6 shoppers do come out of the Safeway, they could walk  
7 under cover to a pick up area right here at the edge  
8 of the building and essentially load directly into  
9 their cars and still be out of the rain.

10 And I think all around it's a much safer  
11 situation for both shoppers and pedestrians than what  
12 you have today.

13 COMMISSIONER MAY: Okay, I don't know much  
14 about what you have today, but what I saw in that  
15 drawing, it seemed to me would become very congested  
16 very quickly. If it operates anything like my  
17 Safeway, you know, it would jammed up all the way to  
18 the other end of the parking lot because it just seems  
19 to tight, the way people tend to park and double park  
20 and triple park and then the firemen come to get  
21 lunch. And it just becomes a mess. That was my  
22 concern from the previous presentation and so, I just  
23 thought I would throw this out there.

24 MR. BARANES: We'll address that further  
25 in our submission.

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1 COMMISSIONER MAY: Great, thank you.

2 CHAIRMAN MITTEN: I would like to ask for  
3 something as well to be developed in response to some  
4 of the things we heard tonight and along picking up  
5 perhaps where Mr. May left off.

6 What I don't think we have an appreciation  
7 for, at the moment, is this notion of how this project  
8 will be connected to the water, particularly for a  
9 pedestrian coming up from the Metro, particularly  
10 given that there's going to be a redesign, apparently  
11 of the area in front of Arena Stage. So if we could  
12 have -- I don't know if the best thing is like --  
13 something that would show what the view is, perhaps  
14 with the existing configuration, what the view would  
15 be towards the water as the redesigned area closer to  
16 the water would exist and then what would the view be  
17 with the M Street building on the west pulled all the  
18 way forward, so we'll have a sense of what the trade  
19 off is going to be there, if I'm clear about that.

20 Does anyone else have anything in  
21 particular to ask for?

22 COMMISSIONER HANNAHAM: This is something  
23 that has been worrying me since the beginning and it's  
24 such a complicated project over such a long period of  
25 time and the text illustrates what you're attempting

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1 to do, but I thought an illustration of this as just  
2 sort of a time line would help an awful lot.

3 MS. GIARDANO: Okay, so in addition to the  
4 submission that we just made, okay.

5 COMMISSIONER HANNAHAM: Just a sort of a  
6 time line --

7 MS. GIARDANO: Showing which components  
8 happen when --

9 COMMISSIONER HANNAHAM: What and where and  
10 you can sort of annotate it a little. We understand  
11 that this what you would hope to be able to do. We  
12 realize there are a lot of under -- there are a lot of  
13 things out there that you really haven't any control  
14 over right now, but just to get an idea as to how you  
15 foresee this whole progression over this period of  
16 time and over time and also intersected with the  
17 specific elements, the major elements that are to be  
18 built on.

19 MS. GIARDANO: The major components?

20 COMMISSIONER HANNAHAM: The major  
21 components to be built.

22 MS. GIARDANO: Okay.

23 COMMISSIONER HANNAHAM: Into this design,  
24 just sort of a sense of over a period of time.

25 MS. GIARDANO: On a time line?

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1 COMMISSIONER HANNAHAM: On a time line,  
2 right.

3 MS. GIARDANO: Okay.

4 COMMISSIONER HANNAHAM: Annotated time  
5 line, basically.

6 MS. GIARDANO: All right.

7 COMMISSIONER HANNAHAM: I would much  
8 appreciate that.

9 MS. GIARDANO: Certainly.

10 COMMISSIONER HANNAHAM: Thanks.

11 VICE CHAIRMAN HOOD: Madam Chair, can I  
12 just go back again to what I stated earlier?

13 CHAIRMAN MITTEN: Sure.

14 VICE CHAIRMAN HOOD: Since the rebuttal is  
15 going to be in writing, just if you could address  
16 Regulation 2403.3 as it pertains to the Safeway issue  
17 and the impact on the surrounding neighborhood.

18 I just -- I have a concern there because  
19 it seems like I don't know if Safeway, what they're  
20 thinking, but I think that would be detrimental and  
21 we'll be hustling backwards if Safeway was to leave  
22 that area. So I think the Applicant needs to take  
23 that under consideration. Just let me know where you  
24 are.

25 And also, we need to make sure we're given

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1 the right information now because we had an issue  
2 where the community is being told one thing and the  
3 presentation was made tonight saying something  
4 different. So we want to make sure everybody is on  
5 the same page because maybe that will cut out some of  
6 the confusion.

7 MS. GIARDANO: All right.

8 VICE CHAIRMAN HOOD: And you can just take  
9 that for what it's worth. As Commissioner May said,  
10 you can do what you want to with it.

11 MS. GIARDANO: Thank you.

12 CHAIRMAN MITTEN: All right, so a week  
13 from today is what, the 7th of April?

14 MR. BASTIDA: Yes, Madam Chairman.

15 CHAIRMAN MITTEN: All right, Ms. Giardano?

16 MS. GIARDANO: Mr. Baranes is saying the  
17 request for the views, I think that was your request,  
18 might take a little bit longer.

19 CHAIRMAN MITTEN: Okay, can you give us a  
20 --

21 MS. GIARDANO: One and a half to two  
22 weeks.

23 CHAIRMAN MITTEN: Let's do this, if we can.  
24 Just so that we can get the maximum amount of things  
25 done before the ANC meeting, is that everything

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1       excepts these views will be submitted in a week, so  
2       that would be the 7th of April and then Mr. Assalaam,  
3       at your ANC meeting, in addition to voting on the  
4       submissions that you made today, then you'd have the  
5       opportunity to review these additional rebuttal  
6       materials and make any additional statements that you  
7       wanted to and responses for the record. And then we  
8       can get that all -- you can get all that approved at  
9       your meeting. And then there would just be this  
10      additional information about what the views would be  
11      that maybe you'd ask for some authority from your ANC  
12      to take a position on that or the SND person could do  
13      that. So then you would get those in maybe -- well,  
14      just by the close -- well, we'd still need time to  
15      respond.

16                   MS. GIARDANO:     Well, technically there  
17      really aren't responses to rebuttal.

18                   CHAIRMAN MITTEN:  Oh, that's right.  Okay.  
19      Okay.  Okay, so we needn't worry about that.  So by  
20      the 14th do you think?  So then we could -- you  
21      probably need a day or two after your meeting to get a  
22      letter to us.  So what's the end of that week would be  
23      --

24                   MR. BASTIDA:    The 18th.

25                   CHAIRMAN MITTEN:  Okay.

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1 MR. BASTIDA: Which is Good Friday. Maybe  
2 we should try to do it on Thursday because --

3 CHAIRMAN MITTEN: How about just the  
4 following Monday?

5 MR. BASTIDA: Sure, the 21st, 3 o'clock.

6 CHAIRMAN MITTEN: Okay, so we'll have all  
7 the additional submissions. You'll have a week after  
8 your ANC meeting to get that to us and you'll have a  
9 little bit extra time to do those views and then would  
10 you be expecting to do your findings of fact and  
11 conclusions of law at that time as well? All right,  
12 so findings of fact and conclusions would be in April  
13 21st into the office by 3 o'clock.

14 Any questions about the time?

15 MR. BASTIDA: Madam Chairman, Mr.  
16 Westbrook's pictures, a xerox of the pictures?

17 CHAIRMAN MITTEN: Right, I think we'd ask  
18 in a week, and anyone who wanted to submit anything in  
19 writing, I know Ms. Humphries had something and anyone  
20 else. We'd ask for those within the week.

21 I think we're --

22 MS. GIARDANO: Thank you very much.

23 CHAIRMAN MITTEN: Thank you and I thank  
24 everyone for coming down. I know you had to come for  
25 two hearings, but sometimes these things take a little

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1 bit longer.

2 After the record is closed, then we will  
3 make a decision on this case at one of our regular  
4 monthly meetings and if you would like to find out if  
5 this case is on for decision at a particular meeting,  
6 you can call Mr. Bastida at 727-6311.

7 I now declare this public hearing  
8 adjourned.

9 (Whereupon, at 9:47 p.m., the hearing was  
10 concluded.)

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