

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

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IN THE MATTER OF: :

:

MARINA VIEW TRUSTEE LLC - :

CONSOLIDATED PLANNED UNIT : Case No.

DEVELOPMENT AND RELATED MAP : 05-38

AMENDMENT @ SQUARE 499, LOTS :

50 & 853 :

-----:

Wednesday,
February 28, 2007

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

The Public Hearing of Case No. 05-38 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Carol J. Mitten, Chairperson, presiding.

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ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN Chairperson
ANTHONY J. HOOD Vice-Chairperson

MICHAEL G. TURNBULL Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

The transcript constitutes the minutes from the Public Hearing held on February 28, 2007.

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1

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

2

6:39 p.m.

3

CHAIRPERSON MITTEN: Good evening,

4

ladies and gentlemen. This is a public

5

hearing of the Zoning Commission of the

6

District of Columbia for Wednesday, February

7

28th, 2007.

8

My name is Carol mitten and

9

joining me this evening are Vice Chairman

10

Anthony Hood and Commissioner Mike Turnbull.

11

The subject of this evening's

12

hearing is Zoning Commission Case No. 05-38

13

which was postponed from last Thursday,

14

February 15th. This is a request by Marina

15

Towers for approval of a Consolidated Planned

16

Unit Development and Related Map Amendment for

17

property located 1100 6th Street, S.W., which

18

is known as Lots 50 and 853 in Square 499.

19

Notice of today's hearing was

20

published in the D.C. Register on December

21

15th, 2006, and copies of that hearing

22

announcement are available to you and they're

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2 in the wall bin by the door.

3 This hearing will be conducted in
4 accordance with the provisions of 11 DCMR
5 Section 3022. And the order of procedure will
6 be as follows:

7 We'll take up any preliminary
8 matters first. Then we'll have the
9 presentation of the Applicant's case, report
10 by the Office of Planning, reports by any
11 other government agencies, report by the
12 affected Advisory Neighborhood Commission, in
13 this case it's 6-D. Organizations and persons
14 in support and organizations and persons in
15 opposition.

16 The following time constraints
17 will be maintained in the hearing. The
18 Applicant will have 60 minutes for their
19 presentation, organizations will have five
20 minutes and individuals will have three
21 minutes.

22 The Commission intends to adhere
23 to the time limits as strictly as possible in

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2 order to hear the case in a reasonable period
3 of time. The Commission reserves the right to
4 change the time limits for presentations, if
5 necessary, and notes that no time shall be
6 seeded.

7 All persons appearing before the
8 Commission are to fill out two witness cards.
9 The cards look like this and they're on the
10 table by the door.

11 Upon coming forward to speak to
12 the Commission we ask you to give both cards
13 to the Reporter who is sitting to our right
14 before you take a seat at the table.

15 Please be advised that this
16 proceeding is being recorded by the Court
17 Reporter and is also be web cast live.
18 Accordingly, we ask you to refrain from making
19 any disruptive noises during the hearing.

20 When presenting information to the
21 Commission we ask you to come forward and have
22 a seat at the table and then turn on and speak
23 into the microphone, first stating your name

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2 and address. When you're finished speaking,
3 please turn the microphone off because they
4 tend to pick up background noise.

5 The decision of the Commission in
6 this case must be based exclusively on the
7 public record and to avoid any appearance to
8 the contrary, the Commission requests that
9 persons present not engage members of the
10 Commission in conversation during a recess or
11 at any other time and Mrs. Schellin will be
12 available throughout the hearing to answer any
13 procedural questions that you might have.

14 I'd ask you turn off all beepers
15 and cell phones at this time so as not to
16 disrupt the hearing.

17 Now, anyone who is planning on
18 testifying this evening, I'd ask you to rise
19 now, raise your right hand and direct your
20 attention to Mrs. Schellin and she will
21 administer the oath.

22 (Witnesses sworn.)

23 CHAIRPERSON MITTEN: Thank you.

2 We have one preliminary matter
3 that I'm aware of which is a request for party
4 status from Tiber Island Cooperative Homes and
5 Mr. Paul Greenberg. And before I hear from
6 Mr. Tummonds on the application which has a
7 number of flaws in terms of meeting the party
8 status in order to qualify for party status,
9 I would like to just suggest that as a
10 compromise position what we might do is before
11 we take this up. And I'm offering this to my
12 colleagues as well, but I'll let Mr. Tummonds
13 speak in just a second to allow Tiber Island
14 Cooperation Homes 10 minutes to present their
15 case or their testimony. Having ready their
16 submission, I think they have some interesting
17 points to raise, but I don't know that it
18 rises to the level of granting party status.

19 So, Mr. Tummonds.

20 MR. TUMMONDS: I think that would
21 be a wonderful compromise.

22 CHAIRPERSON MITTEN: Okay. Let's
23 hear from Mr. McGovern. I need you to take a

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2 seat at the table and identify yourself for
3 the record.

4 I need you to take that microphone
5 that's pointing straight up and pull it
6 towards you and then turn it on. The button
7 is on the base. That other thing is a light.
8 I need you to turn it on.

9 MR. McGOVERN: I'm Michael B.
10 McGovern. I'm appearing here tonight for Paul
11 Greenberg individually and for the Tiber
12 Island cooperative Homes, Inc., which is
13 immediately across the street from the
14 property and within 200 feet --

15 CHAIRPERSON MITTEN: I understand.

16 MR. McGOVERN: -- of the property
17 which we were duly noticed of the hearing that
18 was scheduled for two weeks ago.

19 I believe that we do meet the test
20 of being a person aggrieved, party aggrieved
21 under both the enabling status for the Zoning
22 Act, some 50 plus years ago and also under
23 your regulations.

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2 CHAIRPERSON MITTEN: Let me just
3 cut to the Chase here real quick.

4 First of all, the request was
5 untimely. There is no evidence that you or
6 Mr. Greenberg have been authorized to
7 represent Tiber Island cooperative Homes and
8 the party status request does not deal with
9 the critical aspect of the test for party
10 status which is how is Tiber Island
11 Cooperative Homes and/or Mr. Greenberg more
12 uniquely affected than the general public?
13 And that's why I suggested that there were
14 several flaws.

15 And I don't like to spend a lot of
16 time on party status because I like the
17 requests to stand on their own.

18 So, what I'm offering to you
19 instead and, you know, we'll hear from my
20 colleagues in a minute, but I don't think --
21 among the things that you get to do in terms
22 of party status is cross witnesses and so
23 forth. I really don't get the sense that

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2 that's what you want to accomplish here and
3 that's why I'm offering you additional time to
4 testify.

5 MR. McGOVERN: Well, may I
6 respond?

7 CHAIRPERSON MITTEN: Yes, please.

8 MR. McGOVERN: As far as your last
9 point first.

10 We would like to do a limited
11 cross examination as may be appropriate, not
12 to drag it out but there may be -- I've been
13 to these hearings in the past and sometimes OP
14 testifies and Transportation and what not.
15 And there's no one here, even if I don't know
16 about the case in the past. I say, oh, no.
17 Someone should ask for the basis for that or,
18 you know, that doesn't make any sense.

19 So, I think we should be allowed
20 to do some cross examination. I have no
21 desire to draw this hearing -- drag this
22 hearing out this evening.

23 CHAIRPERSON MITTEN: And what

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2 about the --

3 MR. McGOVERN: There's an
4 additional reward, I guess you'd say, that
5 flows from party status and that is the right
6 to appeal. And if we are the only party -- if
7 we are denied party status and then the only
8 party is ANC-6D which does not have the right
9 to appeal, then there will be nobody in court
10 withstanding to appeal.

11 CHAIRPERSON MITTEN: Mr. McGovern,
12 the Court of Appeals does not use our granting
13 party status to individuals to determine
14 whether or not they are agreed for purposes of
15 appeal. So, would you please just address
16 yourself to the other items that I had
17 suggested which is that there is no evidence
18 that Tiber Island Cooperative Homes has
19 authorized you or Mr. Greenberg to represent
20 them and how you are more uniquely affected.

21 MR. McGOVERN: Mr. Greenberg in
22 his testimony will -- he had a board meeting
23 last evening.

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2 CHAIRPERSON MITTEN: Do you have a
3 written document from the board?

4 MR. MCGOVERN: No. But Mr.
5 Greenberg is a member of the Bar of the
6 District of Columbia, an attorney in good
7 standing. He's also the long-time president
8 of Tiber Island and he can satisfy that test
9 by under oath. He's already been sworn in
10 that he is entitled to speak on behalf of the
11 board and the association. He's also a
12 shareholder.

13 CHAIRPERSON MITTEN: And the more
14 uniquely affected?

15 MR. MCGOVERN: Uniquely affected
16 in that I already addressed one thing that
17 we're very close to the property. The
18 original purpose of zoning going back to, you
19 know, the '20s when the Euclidean case came in
20 is to preserve light, air and view for
21 adjoining property owners and the community.
22 The community is certainly going to be
23 protected by the ANC and so forth. But the

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2 specific light, air and view and amenities of
3 the neighborhood that these people bought
4 units, bought shares in the Tiber Island
5 Cooperative are uniquely affected by this
6 proposed project.

7 By the way, I should say that
8 Tiber Island does not oppose the project, just
9 has some, we think, a relatively easy
10 adjustments to the project that should have
11 been considered by planning. And, in fact, I
12 don't want to speak for them, but I understand
13 that the developers would have considered our
14 -- did consider our adjustment that Mr.
15 Greenberg was involved in. And it was
16 planning that nixed them, you know, in the
17 preliminaries leading up to tonight. But
18 clearly the reason that you have a regulation
19 that gives -- requires notice to people within
20 -- owners within 200 feet. And when you got
21 back -- in which we meet, and you have the
22 original purpose of zoning which continues to
23 this day, light, air and view to be protected.

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2 And Mr. Greenberg will also testify about some
3 unique historic preservation issues that exist
4 with regard to the I.M. Pei Project and the
5 new Southwest in general.

6 So, I respectfully disagree that I
7 think maybe it's, you know, at most a close
8 question and I think in a close question, if
9 that's what you think it is, you ought to air
10 in favor of giving us party status.

11 CHAIRPERSON MITTEN: Thank you.

12 MR. McGOVERN: And we won't abuse
13 it.

14 CHAIRPERSON MITTEN: Thank you.

15 Mr. Tummonds, did you have a
16 response before I go to my colleagues?

17 MR. TUMMONDS: I think I agree
18 with the discussion from the Chair. I do not
19 believe that Tiber Island Cooperative is
20 uniquely impacted by our case. I know that
21 they failed to meet the 14-day established
22 time lines. And I think that your proposal to
23 give them additional time to address all the

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2 things that Mr. McGovern just said that Mr.
3 Greenberg wants to talk about, in that
4 additional time he can do that. And I think
5 that Tiber Island will have ample opportunity
6 to make sure that all of their concerns about
7 this project are provided to the Commission in
8 10 minutes.

9 CHAIRPERSON MITTEN: Thank you.

10 Any questions for Mr. McGovern or
11 Mr. Greenberg before we ask them to resume
12 their seats? Any questions for them?

13 MR. MCGOVERN: May I also state
14 that we have 480 -- just for the record, 489
15 -- I'm sorry, 389 shareholders who are 389
16 residents who are within the -- most of which
17 or maybe all are within the 200 feet that Mr.
18 Greenberg will testify to.

19 CHAIRPERSON MITTEN: Thank you.

20 I'd ask you to resume your seat.

21 MR. MCGOVERN: Thank you.

22 CHAIRPERSON MITTEN: Colleagues?

23 Mr. Turnbull?

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2 COMMISSIONER TURNBULL: Well,
3 Madam Chair, I guess I would have liked to
4 have seen some kind of document that would at
5 least clarify that they are representing the
6 organization.

7 I understand what they've just
8 said, but I just think, maybe it's a fine
9 point, but I would just like to have been
10 reassured. And I'm sure they do, but I think
11 I would liked to have seen that document. And
12 there is a timeliness issue too.

13 I'd be willing to go along with
14 your -- second your proposal.

15 CHAIRPERSON MITTEN: Okay. Then,
16 I'll put it in the form of a motion and then
17 we can hear from Mr. Hood if he has any
18 comments on it.

19 I move that we deny party status
20 request to Tiber Island Cooperative Homes and
21 Mr. Greenberg for the reasons that I had
22 stated and ask you to second that, Mr.
23 Turnbull, since you basically said you would.

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2 COMMISSIONER TURNBULL: Second.

3 CHAIRPERSON MITTEN: Okay.

4 Mr. Hood?

5 VICE CHAIRMAN HOOD: Madam
6 Chairman, I'm a little hesitant on that.

7 Anytime we move in that fashion, I
8 just like to -- and the Tiber Island, they say
9 they're not in opposition.

10 I understand Mr. Tummonds about
11 the 10 minutes, but this miss known -- at
12 least appear to be a miss known, Mr. McGovern,
13 that if you're not granted party status then
14 you can't bring an appeal in front of the
15 court. I don't know if that's true or not.
16 I'm not a subject matter expert and I'm not a
17 lawyer. So, I'm not sure. I've heard that in
18 the past two weeks quite a bit. But I will
19 tell you that I was more inclined of giving
20 them the opportunity. But I'm hoping that
21 through the discussions, some of that can be
22 brought out because, obviously, if they've
23 already heard from Tiber Island or the

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2 surrounding community and they have made any
3 adjustments, they assume that they will
4 proceed in what their application already
5 consists of.

6 So, Madam Chair, since -- to move
7 forward, I would go along with my other two
8 colleagues. It's only three of us up here, it
9 looks like.

10 CHAIRPERSON MITTEN: Yes. And
11 that's all we'll have tonight.

12 So, then, all those in favor of
13 the motion to deny Tiber Island Cooperative
14 Homes party status, please say aye.

15 (AYES)

16 CHAIRPERSON MITTEN: Those opposed
17 please say no.

18 Mrs. Schellin.

19 SECRETARY SCHELLIN: Does this
20 also include Mr. Greenberg or is that going to
21 be separate?

22 CHAIRPERSON MITTEN: It's
23 collective.

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2 SECRETARY SCHELLIN: Okay.

3 Staff would record the vote, three
4 to zero to two to deny party status to Tiber
5 Island Cooperative Homes, Inc., and Paul
6 Greenberg, individually.

7 Commissioner Mitten moving,
8 Commissioner Turnbull seconding, Commissioner
9 Hood in favor. Commissioners Jeffries and
10 Parsons not present, not voting.

11 CHAIRPERSON MITTEN: Thank you.

12 VICE CHAIRMAN HOOD: Madam Chair,
13 I just have one quick compromise if you all
14 will indulge me.

15 Instead of 10 minutes, can we give
16 them 15?

17 CHAIRPERSON MITTEN: I think
18 that's fine. Fifteen is fine.

19 VICE CHAIRMAN HOOD: All right.
20 Thanks.

21 CHAIRPERSON MITTEN: Okay. Mr.
22 Tummonds, we're ready for you.

23 MR. TUMMONDS: Good. Two

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2 preliminary matters.

3 One, I've been told that we do
4 have one of the residents this evening is
5 using a signer. Due to the time, the lag, if
6 you will, he's requested that he have four
7 minutes to present his testimony?

8 CHAIRPERSON MITTEN: Oh, sure.

9 MR. TUMMONDS: When he comes up?

10 CHAIRPERSON MITTEN: No problem.

11 MR. TUMMONDS: Great. And then
12 the only other housekeeping issue we have is
13 our expert witnesses. We had previously
14 submitted in the record our request to have
15 Mr. Esocoff, Mr. Richardson and Mr. Slade be
16 admitted as expert witnesses.

17 Mr. Esocoff and Mr. Slade have
18 been admitted before this Board. Mr.
19 Richardson is new to this Board, but we have
20 submitted his resume for the record.

21 CHAIRPERSON MITTEN: Is there any
22 objection to granting expert status to those
23 individuals? Okay. Ready to move along then.

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2 MR. TUMMONDS: Wonderful. Great.

3 Thank you very much. For the
4 record, my name is Paul Tummonds with the firm
5 of Pillsbury Winthrop Shaw Pittman. Kristine
6 Roddy with our firm is also here with me this
7 evening.

8 In order to provide a complete
9 record for this case, we have filed additional
10 information with the Commission this evening.

11 The first document is a complete
12 set of the plans, elevation sections and
13 details that we had previously provided to
14 you. The purpose of this submission is so
15 that you can review in one document the
16 complete application that we are presenting.

17 The second document is a hard copy
18 of our PowerPoint presentation. We've also
19 included our final community amenities package
20 that we are presenting in this application.

21 The fourth document is an updated
22 traffic analysis prepared by Grove/Slade. And
23 that was the subject of the new DDOT report

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2 which was submitted to the Zoning Commission
3 on February 26th.

4 And then the final document we
5 have for you this evening our proposed
6 conditions of approval.

7 Two of the generally accepted
8 failings of the Southwest Urban Renewal Plan
9 are the fact that open vehicular parking areas
10 have a tendency to occupy front yards and have
11 a tendency to deaden street life and destroy
12 the definition of public space in the
13 Southwest neighborhood.

14 In addition, the Southwest Urban
15 Renewal Plan created the wholesale demolition
16 of existing structures and displacement of
17 existing residents. We believe that the
18 project we are presenting to you this evening
19 wonderfully addresses each of those issues.

20 In regard to the first issue, I
21 will quote from the historic Preservation
22 Office's staff report dated October 5, 2006,
23 which was included in our October 12th

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2 submission.

3 The staff report states. "The
4 most striking feature of this redevelopment
5 plan is that it preserves the original core of
6 the complex essentially intact while
7 accommodating a substantial amount of new
8 development on the outer periphery of the site
9 where it is most desirable as a means of
10 establishing built frontages along M Street on
11 the South and opposite the public park on the
12 North.

13 In sum, the staff finds the
14 concept design both extremely thoughtful and
15 highly successful as compatible design in its
16 context and it should serve as a real model
17 for how to integrate substantial new
18 construction within the Southwest
19 environment."

20 We agree wholeheartedly with the
21 Historic Preservation Office's view of this
22 project. We think that this is truly a
23 project of exemplary architectural merit.

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2 In addition, the second issue that
3 we had discussed with regards to the failings
4 of Southwest Urban Renewal Plan. And that was
5 the removal of the existing residents. We are
6 proud to say that this project satisfies the
7 second issue by crating a truly mixed income
8 community on the property through extensive
9 and exhaustive dialogue with the Marina View
10 Towers tenants.

11 The Applicant has created
12 incentive programs to allow residents to stay
13 in their neighborhood as renters or as
14 homeowners. We believe that this is a very
15 significant amenity of this project.

16 As noted, this project has
17 received the support of DDOT, the Anacostia
18 Waterfront Corporation, the Marina View Towers
19 Tenants Association, as well as the
20 conditional support of OP, ANC-6D as well as
21 the Tiber Island Cooperative Association.

22 You will see here this evening
23 many members of the Marina View Towers Tenants

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2 Association are in the audience this evening.
3 and the president of that organization is here
4 this evening to present testimony.

5 Our first witness is Phil Esocoff
6 and I'll ask him now to make his presentation.

7 MR. ESOCOFF: Good evening, Madam
8 Chair, Members of the Commission.

9 I'd like to start off by just
10 acknowledging the people in my office who are
11 here this evening who worked on this project
12 for over a year now.

13 Linda Palmer and Namrata Advani
14 sitting to my right. Maxine Karam and Melissa
15 Elliott. If you all could raise your hand?
16 It's really their effort and diligence that's
17 led to our project here.

18 So, can you get the lights down
19 just a little bit so that we --

20 CHAIRPERSON MITTEN: We don't have
21 -- they are one or off and since we have a
22 signer here tonight, we're going to leave them
23 on.

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2 MR. ESOCOFF: Okay. Okay.

3 CHAIRPERSON MITTEN: Okay?

4 MR. ESOCOFF: Well, okay.

5 I'm going to quickly go through
6 and summarize the project and not go off on --
7 diverged as I normally do to the extent I can.
8 So, I actually have some word slides tonight
9 to discipline myself.

10 First slide. So, this is really
11 hard to see now.

12 But, there are design goals were
13 first of all to preserve the I.M. Pei Towers
14 and central garden as an exemplar. A mid-20th
15 century urban renewal plan in architecture and
16 landscape design.

17 But as you'll notice from our sub-
18 head here, keep the baby, throw out the bath
19 water.

20 Architects in the mid part of this
21 century actually didn't know that lesson and
22 Southwest is an example of throwing out both
23 the baby and the bath water in redesigning

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2 that whole quadrant of the city. That's one
3 lesson we've learned.

4 One cautionary tale from southwest
5 is that if there are some good things, save
6 those, but get rid of the worst parts of it.
7 And we felt that Pei's buildings which rise to
8 the status of contributory, not historically
9 significant buildings in themselves, but
10 possibly contributory building to the
11 Southwest District were worthy of careful
12 conservation as was the garden in the center.

13 And next.

14 We would like to preserve that
15 garden and we have a member of the successor
16 firm to the original landscape architect to a
17 firm that did that garden back in 1962 here
18 today. And we're retained that firm to do all
19 the landscape work on this project and he'll
20 be testifying later about that.

21 The next thing we wanted to do was
22 mitigate some of the less successful aspects
23 of Marina View by applying urban design

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2 theories and practices that have evolved over
3 the last 40 years. I'm not sure -- I'm sure
4 Mr. Turnbull is aware of some of these tests.
5 Perhaps all of you also know though books like
6 Defensible Space, the Life and Death of Great
7 American Cities. These are texts that came
8 about because of urban renewal and some of the
9 less fortunate aspects of it where we've
10 learned about how to define space and clearly
11 with architectural cues and planning cues sort
12 of suggest who is responsible for space. It's
13 sort of good fences make good neighbors. But
14 it suggests the idea that this pathway is for
15 the public, but it's also maintained by the
16 adjoining owner that this garden is available
17 at certain hours and that kind of clear
18 assignment of who is responsible for spaces,
19 not in the ownership sense but in the who is
20 going to take care of them sense is very
21 important for a clear definition in urban
22 context.

23 And that's one of the things we

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2 wanted to mitigate, the idea of a parking lot
3 along L-Enfant Boulevard is obviously not a
4 good planning principle for the District of
5 Columbia and we don't need to keep that in
6 order to understand the Pei Towers' positive
7 qualities.

8 Next.

9 And we want to introduce new
10 initiatives that both acknowledge what's been
11 done in the last 50 years but also the deeper
12 and richer history of the L'Enfant plan for
13 Washington by defining urban spaces more in
14 the traditional way Washington does it.

15 Next.

16 So, there's like 10 different
17 initiatives we've taken. One is conserve and
18 enhance and define central garden space, the
19 circular garden that you have seen in our
20 submission. Creating a new shared garden
21 along 6th Street. Right now there's a blank
22 brick wall facing Arena Stage. We wanted to
23 pen that up to the public, something on the

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2 model of the garden that's between the
3 Hirshhorn and the Smithsonian's Centennial
4 Hall is a flower garden with a little zigzag
5 wall through there. So, something that could
6 be open to the public but maintained by the
7 development.

8 Next.

9 Define and refine public access.
10 In order words, provide actual walkways
11 through the central space that aren't really
12 there today so you can meander through there.
13 It's not clear you're supposed to so it's very
14 uncomfortable sense of space there and the
15 lack of definition.

16 Next.

17 Top frame the central garden with
18 the low recreation building on the East end
19 because there will be service vehicles going
20 along that East end of our property between us
21 and Waterfront development. So, we didn't
22 want truck noises and things like that to
23 disturb the peace and quiet to the central

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2 garden.

3 Next.

4 Conserve and modernize the Pei
5 Towers. One of the problems with some of the
6 modern architecture of that period is energy
7 was cheap and there's single glazed windows.
8 There's exposed concrete which is not a very
9 wise thing to do in our kind of climate.
10 There's a lot of deterioration of the exterior
11 concrete on those buildings. And those aren't
12 precast decorative panels. Those are actually
13 the honest to goodness structure of the
14 building like the WMATA Building, that those
15 are actually structural components, so they
16 need to be cleaned up and attended to.

17 Next.

18 And, of course, insulate the paned
19 buildings with new insulating glass.

20 Replace the surface parking lots
21 with the below-grade parking. Define M and K
22 Street more in the way that the precepts of
23 the L'Enfant plan suggests what should be done

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2 so that M Street becomes an urban boulevard
3 and that K Street defines the south edge of
4 the park there by Makemie Place at
5 Southeastern University.

6 Next.

7 Create some new gardens over the
8 garages. Introduce urbane ground level uses
9 along M Street which would be retail and along
10 K Street which would be residential. And
11 establish shared service drive with our
12 adjoining development. And the earlier
13 submission before we were put down for set
14 down there was still some lack of definition
15 as to how that zone would be worked out and
16 we've now come to I think final agreement with
17 Waterfront as to how that would be used, who
18 is giving an easement to who on which side.
19 And so to drive that you used to go under our
20 building is now part of the shared curb cut
21 that goes between the buildings. And that's
22 allowed us to develop the eastern facades of
23 our buildings as honest to goodness full --

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2 fully developed facade, not as potential party
3 wall situations. So, that's been very
4 gratifying.

5 Next.

6 And then I just wanted to point
7 out -- were there 5 or 10 of these? Ten lead
8 things that we're doing. These are just
9 highlights.

10 I mean, the biggest lead thing you
11 can do is build inside the city instead of
12 building out in Loudon County because all the
13 gasoline that's saved more than makes up for
14 whether we have insulated glass or not.

15 But we are maximizing our green
16 roof. And just one startling statistics.

17 Currently the existing site has 25
18 percent of its site is natural grade in the
19 center. The rest of it is impervious parking
20 lot of buildings with not green roofs. When
21 we are done with this project, 84 percent of
22 the site will either be green roof or natural
23 grade or roof systems that harvest rain water

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2 for reuse on site. That's more than three
3 times. Only 16 percent of the site is
4 actually impervious. It's a ramp into the
5 garage and some of the surface drive. And I
6 think that probably sets a new standard for
7 development in the District.

8 Next.

9 We'll be using water source heat
10 pumps and central hot water supply. It sounds
11 like it's, you know, it's your father's
12 Oldsmobile or something. It seems very
13 straightforward, but a lot of green can be
14 accomplished by simply doing a good quality
15 building with existing well-established
16 technology of water circulating heat pumps use
17 40 percent or 45 percent less energy than the
18 typical air to air electric heat pump.

19 Next.

20 We've providing shared parking
21 spaces. Our traffic engineer will talk about
22 that in our garage so it will be very well
23 located near the shuttle elevator for the

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2 retail.

3 Next.

4 Our indoor air quality we're
5 upgrading and providing ducted ventilation
6 into the buildings.

7 Next.

8 We're putting new insulating glass
9 on the Pei Towers.

10 Next.

11 We have one of the best and most
12 successful bike garages, you might say. We
13 have a dedicated lane into our parking garage,
14 an upper level for bicyclists and there would
15 be a conditioned room there where you can
16 actually go from this auto court we have below
17 grade into the bike room, put away your bike,
18 have a place for your helmet and air pump and
19 an extra tire. And then like a civilized
20 human being, leave there and go upstairs to
21 your unit.

22 It's not like a bunch of wire
23 hangars jammed in the corner of the parking

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2 garage which may meet the code requirement but
3 not the true intent of encouraging bicycle
4 use.

5 Next.

6 We hope that also becomes a
7 standard.

8 We're reusing existing structures.
9 That alone saves waste and embodied energy.

10 Next.

11 We're doing in-fill on an urban
12 site on an existing imperious parking lot.
13 We're doing a transit oriented development
14 because we're not just a Metro but we're on
15 many Metro bus lines and the city shuttle.
16 What's that called? The Connecting Line, you
17 know, the one that shuttles around.
18 Circulator in the city. Thank you.

19 Next.

20 And then we're doing off-site park
21 enhancement support. We're providing, also
22 using the original landscape architects for
23 the park just north of us which was designed

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2 by a firm from Philadelphia named Wallace
3 McHarg Roberts Todd. Ian McHarg was the
4 founder of the ecology movement in the United
5 States of America and he designed that park.
6 Actually his colleague, Bill Richardson, he's
7 still alive, designed that particular park and
8 we would engage that firm to do an assessment
9 and a recommendation for refurbishing that
10 park after 40 years. One of the loveliest
11 parks in the city.

12 So, now I'd just like to walk
13 through the drawings.

14 And I'm sorry, it is dark in here.

15 This dotted line is just to orient
16 you and that's going to be reopened. Here's
17 out site. The two I.M. Pei buildings and the
18 existing tower that's going to be turned into
19 residential just east of our site.

20 Just for reference, Tiber Island
21 is down here, many hundreds of feet away over
22 there and one of the towers is over here with
23 a solid brick wall facing M Street.

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2 Next.

3 Now, just oriented this. It just
4 fits better on the page and north is off to
5 the right.

6 So, here's the existing 130 foot
7 building on the adjoining site. Here's the
8 Central Garden, the two existing Pei Towers,
9 Arena Stage, Waterside Towers. There's M
10 Street, K Street. This is where we're going
11 to have our shared drive. This appears under
12 this building and then over there. Not really
13 under the building but because of the slant in
14 the photo it disappears.

15 These are two on grade lots where
16 we'll putting our new building over
17 underground parking.

18 Next.

19 And so we're proposing to restore
20 the Central Garden and though it had gravel in
21 the corners, Don has designed new and more
22 enriched and enhanced landscapes in those
23 corners, plus we're providing a small flower

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2 garden along 6th Street that would be open to
3 the public during the day with two small
4 pavilions, one for refreshments, maybe one for
5 like maintenance and supplies.

6 These are the tops of the I.M. Pei
7 Towers. Those would be green roofs. The
8 central portion would be what's called an
9 extensive think green roof. It's just a few
10 inches deep and uses sedums, sort of a
11 succulent plant that can take rain water and
12 grow, but it can also go dormant and not die.

13 Then on the surrounding terrace
14 would be a more -- a deeper bed of soil with
15 better plants and I'll let Don talk about
16 that.

17 The parking lots would be on the
18 southern end and then northern end
19 underground. And you drive into those from a
20 ramp off of 6th Street. So, as you come down
21 under at grade then, we would establish in a
22 three to four foot deep bed of soil and I
23 regret that John Parsons isn't here this

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2 evening to appreciate all this. A small vest
3 pocket park about the size of Paley park in
4 New York which is a famous vest pocket park
5 designed by Zion Breen. And something that
6 all architects and landscape architects study
7 in school.

8 This is the footprint of our new
9 building. You see we've curved the northern
10 edge of the south building and the southern
11 edge of the north building to open up this
12 through here and create sort of a pleasant and
13 meandering curve in contrast that stays very
14 crystalline and austere facade.

15 That roof will also to the largest
16 extent possible have a thin green roof on the
17 top of its mechanical paths. And then around
18 the perimeter so that we can use it for
19 recreation space, there will be pavers and
20 different kinds of plantings done, we'll talk
21 about. But below the pavers we would be
22 harvesting that water. And some green roof
23 systems water is kept in cups under there

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2 until it sort of evaporates.

3 We actually because we have
4 plantings and we've got a big open space on
5 our site, where you want to catch that in a
6 cistern in the basement of the building and
7 then redistribute it back into the natural
8 landscape in the center and also into the
9 plantings on the roof. So, that's another
10 form of green roof. It's not that sort of the
11 A form. It's one of the alternatives that may
12 be more appropriate to Washington, D.C. where
13 we would like to use our recreation purposes.

14 So, if you have a think green roof
15 with sedum, you can't walk on those. It
16 crushes them and kills them. So, we have to
17 find a balance between planted green roofs and
18 green roof systems that catch water and
19 redistribute it to perhaps deeper planting
20 beds on the perimeters.

21 And I think it's something that we
22 need to do as we modify our attempt to become
23 a greener city.

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2 Next.

3 This is just one floor down. I
4 just want to show that the green roofs would
5 be overlooked by the units on our top floor
6 which have a 10-foot deep terrace on the
7 public edges. That's part of our attempt to
8 sort of set back as was requested prior to our
9 set down. So, our building comes up to about
10 102 feet and it sits back 10 feet and goes to
11 112 on the roof of these top floor units.

12 Next.

13 Typical floor plan. You see the
14 units in the new building are a little deeper.
15 That's typical of contemporary buildings where
16 people want home offices. Sometimes those are
17 in board, but also newer buildings have
18 greater requirements for handicap
19 accessibility and kitchens and bathrooms and
20 contemporary units usually have big walk-in
21 closets which Pei's building wouldn't
22 accommodate.

23 That's a mass production of

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2 clothes. I don't know what' behind all that.
3 But it allows us to do a slight larger
4 building and yet a reasonable amount of
5 development on either end of the site still
6 provide a nice open space between our building
7 and the Pei buildings.

8 Next.

9 These yellow lines on this plan of
10 the project just show the designated public
11 walkways for pedestrians and bicycles.
12 Earlier we'd shown these as vehicular drop
13 offs. We've taken that out of the project.
14 These are just purely pedestrian walkways like
15 on a college campus. We'll share the details
16 of those later.

17 There's out vest pocket park with
18 a little pyramid in the center. Office of
19 Planning or actually the Historic Preservation
20 asked that we maybe increase those little
21 pyramids. We have done that. And we've
22 actually increased a number of trees in these
23 areas too.

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2 If you look at Pei's buildings
3 here, these curved lines represent new glass
4 walls that slightly enlarge the lobbies of
5 those buildings. We've actually pulled those
6 walls in a bit at the recommendation of
7 Historic Preservation and the Office of
8 Planning.

9 If you g look at the new
10 buildings, we have entrances on M Street from
11 the south and K Street on the north. And it
12 provides sort of a concourse where you can
13 walk through. If you live at one of the Pei
14 buildings, you can walk through the buildings
15 on the streets, come through that courtyard
16 and then into your building. And off that
17 concourse is a small private lobby for the
18 residents of that particular building.

19 The base along M Street we have
20 retail on the corner and along M Street on the
21 front going eastward. And on the other
22 building we have our residential at the base
23 because there isn't a strong retail drive

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2 there.

3 In the corners of the buildings
4 along the service drive, we have loading and
5 trash and recycling areas. And at the back of
6 the park then is sort of a 14-foot high wall
7 to screen that activity from the vest pocket
8 parks. And that wall then becomes sort of a
9 fountain cascade of water on the park side.

10 Next.

11 I'm sorry, if you just stay for
12 one moment.

13 The pedestrian -- these are the
14 paths into the auto court for the bicycles and
15 that's a ramp down to the garage.

16 Next.

17 This is the service drive. You
18 can see down on the ends of it it's actually
19 on the adjoining property. In the middle
20 it's mostly on our side of the property and
21 then goes back. We would be treating the part
22 of the service drive just framed by the garden
23 with the same materials as our pedestrian

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2 walkways to slow down traffic and suggest that
3 this is a mixing area like the area between
4 the east and west wing of the National Gallery
5 of Art.

6 And then in this area near our
7 southern tower, we've shown the special paving
8 that would be part of Waterside Mall because
9 we think that that will visually be part of
10 that project.

11 So, the only areas that are more
12 routinely paved are at the other end of the
13 project where the trucks actually are. And
14 there are a lot of trucks that would be going
15 into Waterside and just a few into ours.
16 There's just a few move-ins and outs, possibly
17 even a week and trash picked up every other
18 day. So, our loading facility is not actually
19 very intensively used.

20 All our cars are coming off of 6th
21 Street so that leave this fairly uncongested
22 for service facilities for the project that's
23 going to replace Waterside Mall.

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2 Next.

3 Here's just a blow up of the end
4 of the project. I think I've explained Pei's
5 Lobby but that's by the park. The bike path
6 in.

7 Next.

8 In the essential area you can see
9 we have a new line of trees in here with this
10 sort of campus walk at either end. This blue
11 area you see here, this is the first floor of
12 a recreation building that's going to screen
13 some of that traffic and it's an indoor
14 swimming pool possibly. Some of that program
15 is undefined, with activity rooms on the
16 second floor.

17 Next.

18 On the level below grade we just
19 sort of ghosted in these to orient you.

20 Pei's building, this blue area.
21 The Pei buildings have a basement. And as you
22 come down the auto court you'll see daylight
23 from the skylight in the vest pocket park

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2 above. This curve line just indicates where
3 the footprint of the above building is.

4 And so you come down there. You
5 might drop somebody off or proceed into the
6 garage but if you have a bicycle you'd come
7 down here. You'd go into the bike garage and
8 then out into the lobbies and then up the
9 elevator.

10 On the south side where we have
11 some retail parking, retail patrons can come
12 in here, park just on that upper level and
13 their little shuttle elevator is right here
14 and would come right up in a vestibule on M
15 Street. And we would put our shared parking
16 spaces right adjoining there. So, it would be
17 very convenient for the public to know where
18 those are with a signage. Take the elevator
19 down just one level and to a car they may have
20 reserved.

21 The north end of the site is the
22 same except it doesn't have retail parking.

23 Next.

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2 Here's the cross section. That
3 yellow area shows the auto court and the below
4 grade parking. These dotted lines just are
5 showing just sort of the dimension of the
6 shared garage. There's the vest pocket park
7 with the soil depth there.

8 Next.

9 There's a section north/south
10 through the project. There's the Metro
11 tunnels run right under M Street. And so
12 there's are parking garage on the south and
13 our parking garage on the north. The vest
14 pocket park between the buildings and the
15 recreation building, a cross section which may
16 or may not have a basement. We just showed
17 that possibility. But it's not a zoning issue
18 because it's underground. It would really be
19 mechanical support for things.

20 Next.

21 Since we can't read some of these
22 numbers with the lights on, they're all in
23 your booklet. I don't think I need to go

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2 through them.

3 Here's M Street. This is, I
4 believe, the high rise Tiber Island Condo
5 which is actually east of our project facing
6 Waterside. And the windows in that project
7 face east and west, not north to where our
8 project is across the street.

9 The end wall of that project is,
10 in fact, solid brick.

11 This is in Washington, of course,
12 are up and down the streets, not through
13 adjoining properties.

14 The idea of Washington was created
15 at a time when people liked looking at
16 buildings and so the view across the street
17 was a view of a beautiful building. It wasn't
18 meant to be through every adjoining parcel
19 until you saw the Capitol. It was meant to be
20 up and down the street and across these tree-
21 lined streets to beautiful architecture.

22 Next.

23 Here's a blow up of the base of

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2 our building. The clearance from the front
3 windows to the curb line is actually 18 foot
4 8. But where we have our retail door pocketed
5 in the entrance to our building pocketed, it's
6 actually 22 feet, a number that was
7 referenced.

8 I think we had earlier shown our
9 glass line and our retail further back at
10 about 22 feet. But given contemporary ideas
11 about good retailing, bringing retail out and
12 creating corner display windows is considered
13 better retailing.

14 And I think one of the problems of
15 urban design in the last say 50 years at times
16 has been overly large street. Arcades on K
17 Street that really create a very lifeless
18 street. And the idea of filling on arcades
19 and creating tighter streets that have a
20 little more energy is more the current
21 prevailing wisdom in urban design and good
22 retail.

23 In Arlington they're very strict

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2 about not letting you build anymore than about
3 17 foot 6 from the face of your building to
4 the curb line so that there isn't sort of a
5 loss of energy in that area. And I think that
6 many of the best street around Dupont Circle
7 are, in fact, quite narrow, narrower than what
8 we have here.

9 AWC, for instance, asked only for
10 about a minimum of 12 foot 8 from the curb to
11 the building. We have 15 foot 8 and it allows
12 us to create a six foot planting strip and
13 then have 12 feet 8 inches of sidewalk after
14 that to the face of our display windows. And
15 then we pocket the doors in so that people
16 don't get hit if you open up a retail door.

17 And on 6th Street we have a little
18 bit more because just the sidewalk, the curb
19 line is further out into the street from the
20 property line.

21 Next.

22 So, this is a cross section
23 through the whole project. Here you can see

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2 M Street. Tiber Island an elevation, the
3 building of that pinwheel group that comes
4 down the street and then another one that's
5 another, I guess, couple hundred feet back.
6 So, M Street is about 120 feet and there's
7 about another 200 feet or so back to that
8 building.

9 Massachusetts Avenue by contrast
10 is about 150 feet wide. M Street is about 120
11 feet wide, almost a football field wide and it
12 runs for several miles.

13 Washington has amazing amounts of
14 open area. One of its problems in having a
15 sense of open space is a lack of definition of
16 those areas with three dimensional objects
17 buildings that give you a sense of place.
18 Like Farragut Square is a sense of place. If
19 you tore down the buildings around it people
20 would say, well, there's no places in
21 Washington. Well, that's because you just
22 have a bunch of areas, but no three
23 dimensional volumed space.

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2 Here's the part that's north of
3 us.

4 Next.

5 You can see the stepping down of
6 from the 130 foot existing building and this
7 thought is going to change I understand as it
8 becomes a residential project down to our
9 project in the new buildings and then down to
10 the Pei buildings and the garden between.

11 Next.

12 This is what the garden looks like
13 today is a solid brick wall.

14 Next.

15 In the future there will be these
16 two little refreshment pavilions in the back
17 of the garden recreation building, two
18 stories, and then in here below publicly
19 accessible garden during the day that's
20 maintained by the project.

21 Next.

22 This is kind of a close up of one
23 of those refreshment pavilions here. Then

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2 further in the distance it wouldn't appear
3 this day because of perspective, but in
4 elevation it's sort of the area where the
5 bathrooms and stairs are and then some meeting
6 activity rooms and the swimming pool on the
7 ground level.

8 This is the pathway that leads
9 east/west through the project. It allows
10 people to go through the site over to the
11 Metro stop. A pergola here.

12 Next.

13 And then M Street. We sort of
14 just imagined using the volumes that were in
15 the Southwater Waterfront Plan. We put --
16 showed some buildings there. Arena Stage's
17 new development. And the project to our east
18 which was a stage 1 approval. And our
19 building next to it. And then an opening to
20 that -- the new one. Existing 130 foot
21 building that would become residential.

22 Next.

23 A little close up of that. This

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2 is where the share service drive entrance is.
3 It's about the alignment of what was a street.
4 So, really the fact that we're reactivating a
5 tertiary street that was used for services
6 in the District going back 200 years or to
7 whenever this area was developed originally.
8 There's 6th Street, our building.

9 Next.

10 There's a close up showing some of
11 the materials. If you all know some of the
12 work of Chloethiel Woodard Smith, some of the
13 building in Southwest are not just
14 rectangular. They're a lot with undulating
15 walls and Chloethiel was one of the great
16 Washington architects that designed a building
17 with the sort of checkerboard effect. And
18 these screened walls that provide a privacy
19 and filtered light.

20 We're doing it in a more
21 contemporary way with both copper color and
22 silver colored perforated metal balconies that
23 in some cases go the full width of base and in

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2 some cases are have a base so that we get like
3 a two-story read in the same way that you get
4 sort of a double height read on Chloethiel's
5 buildings. So, we're paying homage to that
6 great architect.

7 And on the ground level we have a
8 14 foot high retail and a warmer buffy colored
9 brick, okra colored brick that would add a
10 little color to what is a rather gray
11 assemblage of concrete buildings today.

12 Next.

13 We're almost done here.

14 There's a view of the east
15 elevation. These were sort of almost looking
16 like party walls before. Now they look like
17 the front facades of our buildings, Pei's
18 eastern elevation. The eastern elevation of
19 our building with little port holes in there
20 for people to have some daylight from the east
21 but not have too many people peeking in while
22 people while swimming and trucks going by.

23 It seems like an unhappy

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2 connection so we wanted to have that a little
3 more opaque.

4 Next.

5 That spaceship in the background
6 is Arena Stage.

7 Next.

8 But it will be great to have that.

9 This is the project from the air.

10 Next.

11 And what we're doing with the Pei
12 buildings is we're going to put a wrapper
13 around the extraneous mechanical equipment,
14 some of which we have to provide now to meet
15 contemporary codes. And there's that thin
16 green roof on top and then some green areas
17 around it.

18 Next.

19 This is sort of some of the
20 deterioration. Some of these windows were 7
21 foot by 7 foot. They were all that
22 originally. But they've been replaced with
23 two panes of glass.

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2 Next, we're going to replaced them
3 with a single pane of glass that size with
4 similar sized mullions and insulated glass.
5 And nicer shaving devices inside.

6 Next.

7 There's the arcade today and --
8 next.

9 With a slight expansion of the
10 facade. And instead of the garden, we have
11 that pyramid and the vest pocket park. I'm
12 sorry, instead of the parking lot.

13 We have a vest pocket park and the
14 little pyramid in there.

15 Next.

16 And the view to the parking lot on
17 M Street today and in the future to -- if you
18 look closely, there's the ramp into the
19 garage. There's the pyramid. This is the
20 green planting in here and the curved wall of
21 our building on the south side of that garden.

22 Next.

23 And I'd just like to introduce

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2 then Don Richardson with Zion Breen Richardson
3 to talk about the landscape.

4 MR. RICHARDSON: Thank you, Phil.

5 Thank you Madam Chairman. I'm Don
6 Richardson, Landscape Architects.

7 As Phil has alluded to, the
8 history of this project is at Bob Zion our
9 founding partner of the firm in 1957. Who
10 actually worked for I.M. pei as a landscape
11 architect and one of his projects was this
12 project right here which is the second with
13 I.M. Pei and we also did the L'Enfant Plaza
14 and other projects in the city with Pei and
15 Phillip Johnson.

16 Okay. The bottom right-hand
17 corner is the original. Yes. Is the original
18 design and actually it was rather -- it was a
19 circle. It was simple. The street was
20 eliminated through the project and the
21 existing street trees were saved which are the
22 large sycamores that are in there now.
23 Actually two of them actually survived. And

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2 it was just a grass circle with gravel around
3 it. It was a very simple design. The
4 developer he probably didn't want to spend too
5 much money so he did it very simple.

6 We'd like to pick up on the theme
7 of this and restore the site as Phil as
8 alluded to historically and that's the Central
9 Park in the center. So, we reinstated the
10 circle. We've taken out the swimming pool.
11 We'd like to take out that existing swimming
12 pool which was put in after the buildings were
13 established and the residents and the pool
14 would be on the roof of the two proposed
15 buildings.

16 What we're trying to do is as a
17 landscape architect which is a great
18 opportunity here is to create the outdoor
19 spaces between the buildings -- that are
20 framed by the buildings. And so basically as
21 Phil has -- I won't, you know, I'm not going
22 to repeat what he's actually presented. But
23 basically it's the residents' garden or the

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2 Central Park in the center. That's the main
3 thing. The circle is about a 90 foot circle
4 and it has a promenade which runs around it
5 that comes in.

6 The park would be gated. It would
7 be the residents' garden, so there would be
8 two gates at either side to come in. And then
9 there would be the pool building which is the
10 recreation building at the bottom and we'd
11 have a terrace which would be opening on to
12 the park. And then the main thing is that the
13 fence -- you'd be able to as you're walking up
14 the two walkways which Phil had mentioned.
15 The passage from 6th Street to the Metro or on
16 the back would be -- you'd see into the garden
17 and then from the Pei's buildings also.

18 In the front is a 6th Street
19 garden which I think we're going to get more
20 detail on that. And then the Paley -- the
21 water gardens between the two buildings would
22 be established there and the two of them there
23 over the garage.

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2 We though, you know, that it was
3 an excellent opportunity as Paley Park of New
4 York which our firm has designed also. It's
5 a vest pocket park. And we have a water wall
6 in the park and it the wall would actually act
7 as the feature of the park spilling water
8 down. Not as loud as Paley Park in New York.
9 It would be more quiet because it's between
10 two residential buildings. But it does screen
11 the service is in behind it. So, it's doing
12 a two-fold thing.

13 The trees -- it's an outdoor room.
14 Actually, it's an outdoor room with the floor,
15 the wall and the ceiling and furniture. And
16 then hopefully it would be sort of a private
17 park because it's between the two buildings
18 and it would have free-standing chairs which
19 you would be able to move around, like here,
20 the European concept. And with flower
21 containers and the skylight looking down.

22 The other part. We have a
23 sidewalk cafe right opposite the Arena

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2 Theater, which is across the street, you know,
3 which is picking up on the retail of that
4 building in there.

5 The other end is the north end.
6 We would have, I mean, have private terraces
7 off the units there.

8 The ramp going down into the
9 parking would have the bicycle ramp going down
10 and it would be terraced down and would have
11 a theme of crepe myrtle in there so you would
12 have it at the entrance into the garage. So,
13 it's something of an amenity, not just going
14 into this whole thing. It would be really
15 lush planting. And it would filter the view
16 to the buildings and also to the restaurant on
17 either side and the private terraces on the
18 other side.

19 Next slide.

20 We took, you know, we took an
21 inventory of the trees and of the site and we
22 found that on M Street there were large oaks,
23 18 inch and 6 inch and we would make every

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2 effort. Being landscape architects, we would
3 take the hypocratic oath to save trees, not
4 just to plant trees. And so, therefore, we
5 would save every tree we could. We'd have to
6 have an assessment of the tree health-wise,
7 you know, from a tree surgeon. But we would
8 make every effort.

9 And so we were seeing the trees
10 along M Street which are oaks and along 6th
11 Street which are maples. And there's a few
12 big ones there and 6 inches in there. And
13 then we would add trees in between them which
14 would comply with the city of Washington's
15 guidelines on tree planting and also tree
16 types.

17 The sycamores in the center of the
18 garden there, the central garden, have been --
19 remain and they are sort of historic as
20 they've been there since the '60s.

21 The magnolias which are in front
22 of the Pei Building, Pei's building there
23 which is south side, there are about six of

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2 them. We would make every effort to
3 transplant those and use those in the design,
4 in the garden, in the central garden theme
5 there. And, you know, we have to do it at the
6 right time and things like that. But we would
7 make an effort. So, we are recycling. We try
8 to get a recycling thing which is tied in with
9 the Lee's effort of maintaining the site.

10 Next.

11 The detail of the central garden.
12 I'll just go quickly through it. Is basically
13 the 6th Street Garden which is right off the
14 street. You have public access from the
15 street which would be a gate. A low fence
16 going across as you're walking down 6th Street
17 on the sidewalk. It's a public amenity.
18 You'd look into the garden and then you'd be
19 able to freely access into the garden.

20 We would have a flower bed right
21 adjacent to the street there which what we
22 call as a learning garden and it would be sort
23 of a historic replica of what possibly was

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2 growing in Washington in the District in those
3 days. Plus, you know, herbs and flowering
4 material so that it of some public interest.

5 In the other side of the garden is
6 an arbor between the two pavilions that Phil
7 had mentioned about the concession and
8 hopefully we go after as landscape architects,
9 we're after all senses. We want to go taste,
10 feel, touch, smell. And it's important that
11 we have a cup of coffee. Somebody can come in
12 and just have a cup of coffee and sit down and
13 relax and enjoy the garden, not just to look
14 at it, but to actually participate and
15 hopefully maybe even hot dogs or something.
16 It would a concession. And the other side is
17 the maintenance.

18 And there would be an arbor
19 between it because you can't really see it,
20 but there's a curved wall which you would be
21 able to sit in. So, all the seating is build
22 into the walls and you'd be able to sit on the
23 wall and possibly have a bench there. And

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2 then also you'd be able to look into the
3 central garden behind you.

4 There's a terrace as I mentioned
5 about the central garden there's a promenade
6 which runs around it which would be the
7 walkway. Then off of the promenade are side
8 paths which are a little hard to see but you
9 can see in your brochure, your handout. There
10 are little side walkways which are places to
11 sit. You'd be able to sit on the central walk
12 to watch people because we're all gregarious.
13 We all want to see people and rest and say
14 hello. But then there would be also if you
15 wanted to get away, you could go into these
16 little gardens in the back there and it would
17 be enriched by the magnolias, the evergreens,
18 which would be hollies. I won't go into all
19 the plant material that we're doing that, you
20 know, and stuff like that.

21 Next.

22 This is just, again, the 6th
23 Street garden again, which we just mentioned

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2 with the arbor. And we have the front wall
3 doesn't -- continuous. It's not continuous.
4 It breaks because the garden is flush with the
5 terrace there and so, therefore, you'd be able
6 to see it and then be able to participate in
7 the garden.

8 Next.

9 This is a section through from 6th
10 Street to the garden so you see there's a low
11 fence there. That's the pavilion. There's
12 the arbor. There's another fence and a
13 separation into the Great Lawn or the central
14 garden.

15 Next.

16 This is the access into the
17 parking and the park which is above it. The
18 park above it is really again the Paley Park.
19 Motif of the locust trees. There would be
20 locust trees about 15 -- 12/15 feet on center.
21 They're packed in there with the skylight in
22 the middle and then a special pavement around
23 it with the water wall at the end of it which

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2 would be the main feature of the garden which
3 would be there.

4 And then the gardens going down
5 into the garage which would be terraced.
6 There would be terraces down in and that would
7 have the crepe myrtle theme. And then on
8 either side -- the theme would be on either
9 side and then you'd be able to see up into the
10 terrace of the restaurant and then people in
11 the restaurant would be able to see out.

12 We have three locust trees in the
13 terrace for the restaurant which ties in with
14 the theme of the park. And then the street
15 trees you can see on the side.

16 This is a section as Phil has
17 shown before which shows you going into the --
18 those are the gardens that are on either side
19 of you as you're going down into the parking
20 and then the bike path going down through
21 there and then the trees would be above it in
22 the skylight. And that's the 14 foot water
23 wall in the back.

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2 This is Paley Park in New York
3 City, which is one of the first vest pocket
4 parks of New York City. Paley -- actually,
5 the stores goes with Paley. When I first came
6 with the firm which was in the '60s, late
7 '60s, my first project was this and what we
8 had to do is we looked for -- we did an
9 exhibit at the Architectural League of New
10 York of saying vest pocket park. Nobody could
11 afford Central Park in New York City, so we
12 had to do these vest pocket park. One park
13 per block. That was our theme. And this is
14 the one.

15 And Paley say the -- this is the
16 president of CVS saw the exhibit and he said
17 I want to build a park. And so we looked for
18 open spaces or parking lots to put the park
19 in. And he called us up and he said we have
20 the park. We have a place and it's the Stork
21 Club. We couldn't believe it. It was a
22 building there and he tore the building down.
23 It's on 57th Street between Madison and 5th

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2 and it has fantastic, you know, presence
3 because of all the people that are in there.
4 It's the most heavily used open space in the
5 city of New York. And it was done in the mid-
6 '60s.

7 Next.

8 But it has the same principle. It
9 would be the same principle as what we're
10 proposing for the parks in the Marina View.

11 Getting up to the roof. We're
12 finally up to the roof where we can get -- we
13 have the Pei's Building. We talked about
14 putting on the top of the utility building
15 which the center there, would be a very low
16 sedum, because we don't have very much soil
17 depth. So, we'd have about 6 inches of soil.

18 We'd use a hydrotech system which
19 has been done before as Phil has said about,
20 you know, retaining the water and we would use
21 -- sustainable. That's the catch word for the
22 new millennium here is sustainable. It would
23 be material that's really -- survives and it

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2 would be low sedums, only about 6 to 9 inches
3 high and for the variety of them going down
4 the center.

5 Then on the bottom, on either side
6 of the walkway around it, would be these
7 grasses which would be ornamental grasses in
8 variety, so that you'd be able to see it.

9 Next.

10 And then also the recreation
11 building on the other side. It has the sedums
12 and there the grasses as you're walking along
13 the parapet there which is the existing one
14 there. So, you'd be able to walk through and
15 then participate up there.

16 Next.

17 This is the new proposed building
18 and this would be a little bit more elaborate.
19 We have a little bit more flexibility as far
20 as plant material. We have a pool at one end.
21 We have perennials in variety and viburnums
22 and lirope and I won't go through all the
23 things, but it's really colorful. It would be

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2 very colorful and we'd have more soil depth
3 than we do on Pei's building.

4 And I think there would be more
5 people on this because of the use of the pool
6 and walking around.

7 We also have some flowering trees
8 which are crabapples on this. About six of
9 them on one side there going down through
10 there and plant containers.

11 And at the bottom, we would have
12 the stone path walking through the butterfly.
13 It's the buddlea which is a butterfly bush.
14 So, you know, we'd have attracted all the
15 butterflies of Washington to the site.

16 Okay. I think that's -- is there
17 more? That's it. That's the section through
18 the, you know, showing the plant containers,
19 the tree -- the arbor.

20 And I forgot there's an arbor
21 which has wisteria hanging from it. So, it
22 really has -- it would be an amenity to the
23 residents using it and also to the city.

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2 Thank you.

3 MR. TUMMONDS: I think we'll now
4 have Mr. Brock go through his testimony and
5 then we will finalize very quickly with Mr.
6 Slade.

7 MR. BROCK: I thank you guys very
8 much for your time tonight.

9 Fairfield Residential is extremely
10 excited about this project.

11 CHAIRPERSON MITTEN: Just state
12 your name for the record would you?

13 MR. BROCK: Graham Brock with
14 Fairfield Residential.

15 CHAIRPERSON MITTEN: Thank you.

16 MR. BROCK: Our goal throughout
17 this project was to create a high quality
18 mixed use project that vests sort of the
19 desires of Marina View, the Southwest
20 Neighborhood and the District of Columbia.
21 It's been a very long process for us but we
22 think we're there. We're pretty excited about
23 it like I said.

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2 The buildings -- the project
3 itself started about 1960. The buildings have
4 been deteriorating since then. The existing
5 I.M. Pei buildings are in need of sort of a
6 major overhaul. So, that sort of sets the
7 stage for that.

8 When we came in we started over
9 the last year and a half a dialogue process
10 with the existing tenants who are in there.
11 Over that time, we've had about 33 office
12 hours, their meetings after work hours where
13 we'd sit and talk to people. Anyone was free
14 to come down. We also put a suggestion box
15 just to hear everyone's comments.

16 We have had six full marina tenant
17 meetings where we invited all the tenants to
18 Arena Stage to hear and talk with us. We've
19 also had two meetings with the Marina View
20 Tenants Association. We sent out seven
21 different newsletters to everyone in the
22 building. We've also had two question and
23 answer newsletters that have gone out.

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2 Receiving questions from tenants responding to
3 those in written form.

4 And we've also held one home
5 ownership seminar. We are planning on holding
6 a couple more at least to get people get ready
7 for home ownership if they choose it.

8 Based upon this dialogue with the
9 tenants, we have sort of learned the histories
10 of many of the people in the community, in our
11 community, and their ties to the area. And we
12 decided that we really did not want to
13 displace anyone if they chose not to leave.

14 So, we've decided to do sort of a
15 three-phased process. There's going to be
16 home ownership in one of the buildings.
17 There's going to be a rental component and
18 then there are also people who are going to
19 choose to leave. Based upon our feedback, we
20 have about a third of the people wanting to
21 stay and rent, a third of the people want to
22 stay and buy and a third of the people are
23 going to leave Marina View.

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2 Our first amenities package -- our
3 amenities package is basically I'm going to
4 lay out.

5 It starts with the north Pei
6 Towers, what we're going to retain as a rental
7 property. We are going to, as Phil said,
8 replace all the glass. We're going to fix up
9 the concrete, replace the elevators. We're
10 going to major overhaul the inside of the
11 units.

12 One of the things that you can do
13 in the District of Columbia is once you put in
14 a certain amount of money into a building you
15 can apply for a capital improvements increase
16 on rents. We are not going to do that to the
17 existing tenants.

18 The existing tenants, anyone who
19 chooses to stay and rent in Marina View, gets
20 to stay in the north tower and stay at their
21 current rents. We will only bump them up
22 whatever percent the District of Columbia
23 allows them with the new rental control law,

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2 but we will not apply for that capital
3 improvements increase for the current tenants.

4 Based upon that one third number,
5 we value that at about \$384,000 a year for the
6 current tenants as a discount.

7 The second option is a condo
8 option. This will all be taking place in the
9 south tower. We have decided to discount the
10 condos about \$100 off of market rate, off of
11 today's prices per square foot. Sorry.

12 We think that will be roughly \$3.2
13 million discounted to the Marina View tenants
14 that are in there now to let them participate
15 in the home ownership on the site.

16 We feel that these options help to
17 maintain the diversity both racially,
18 economically of Southwest. It is our desire
19 to continue that as you can sort of see by the
20 tenants that are here. It's a very diverse
21 crowd. We want to maintain that.

22 In addition to two discount
23 options, we've done, once again over the past

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2 year and a half, a lot of dialogue with the
3 surrounding communities. We believe that all
4 of our hard work has really paid off. We have
5 the support of the Marina View Tenants
6 Association, ANC-6D, the AWC, Arena Stage and
7 adjacent property owners.

8 We have made four presentations to
9 the ANC over that year and half, to SWNA,
10 Southwest Neighborhood Assembly, two to Tiber
11 Island and one to the co-op and one to the
12 Tiber Island Association. Through those
13 dialogues we've come up with an amenities
14 package of -- it's \$17,000 we are giving to
15 three different schools. Jefferson, Bowe and
16 Amidon. They are going to be using the money
17 that we're giving them for purchasing
18 computers, developing a technology
19 capabilities in the schools, Smart Boards and
20 a renovation of one of the school libraries.

21 We're also giving \$15,000 to the
22 Friends of Southwest Library, which they are
23 going to use to expand a book collection. The

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2 library which will benefit everyone in the
3 surround community.

4 We have also pledge \$15,000 to
5 study the town center park. Town center park
6 that we talked about earlier and we are
7 bringing the original landscape architects
8 back to study that and make recommendation on
9 how to rework the park a little bit and
10 improve it.

11 In addition, we've worked pretty
12 diligently with the waterside redevelopment
13 process. You've sort of heard about the
14 shared park lands, the pedestrian access. We
15 are going to continue to work with them
16 throughout the development of our two sites.
17 They are going to be coming to you probably a
18 little later on this year. I'm almost
19 positive of that.

20 And we are going to continue to
21 work with them through our whole build out and
22 their build out.

23 So, once again we are pretty

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2 excited about this project. It's a pretty big
3 project. Total of about 550 units including
4 the new and old towers.

5 So, to give us the flexibility to
6 build out, to work with the tenants, to redo
7 the buildings when we need it, we're asking
8 for a little bit of flexibility. We're
9 requesting we get seven years after the
10 proposed zoning final order to pull our last
11 building permit. It allows us to phase the
12 plan hopefully in the best way possible for
13 the surrounding community and our tenants.

14 Thank you very much.

15 MR. TUMMONDS: Mr. Slade.

16 MR. SLADE: Good evening,
17 Commissioners. My name for the record is
18 Lewis Slade.

19 This is going to be a very short
20 presentation.

21 I want to emphasize the success of
22 the shared truck loading facility. Esocoff's
23 office went through a very significant effort

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2 to work with the architects across the
3 property line to make that happen. Otherwise,
4 we would have had two parallel truck-loading
5 facilities. It would have been like a highway
6 and all the benefits of having these
7 pedestrian and open space linkages would have
8 been lost when you got to that very wide
9 facility.

10 So, trucks will be able to drive
11 straight through. There's no backing up on
12 any of the public streets and go to their
13 loading areas, whether it's on the Marina View
14 side of the property line or on the waterside
15 part of the property line.

16 As far as the traffic impact
17 analysis. Very briefly.

18 We treated the project with both
19 the existing apartments and the planned
20 apartments as a new project. And we estimated
21 traffic as though it were all new.

22 We did traffic counts then at the
23 existing facility at those driveways that

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2 exist today and deducted the existing traffic.
3 So, we got a good estimate of what we think
4 the net additional traffic will be. And the
5 volumes are very low. In the morning peak
6 hour it's about 70 new trips on the street
7 total for the project. These are net new
8 trips. And the evening it's about 115 net new
9 trips.

10 We distributed them onto the
11 streets and we're going to have some slides.
12 You can go ahead with the next slide.

13 This summarizes that estimate I
14 just mentioned.

15 And the next one is an engineer's
16 diagram and I'll try to explain it very
17 briefly.

18 The red double-ended arrows just
19 show our estimate of where the traffic is
20 going to and coming from from Marina View.
21 And what you see in that stick diagram is the
22 bottom is M Street leading into Main Ave and
23 the top, the east/west street, of course, is

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2 I Street and then the 4th, 6th and 7th Streets
3 leading to and from the north and south.

4 So, we estimated where the traffic
5 was going to go to and from based on where
6 people are going to and from the neighborhood
7 right now.

8 And, you know, we calculate level
9 of service at intersections. We do a very
10 elaborate calculation to estimate how much the
11 delay is and then we convert that into level
12 of service, A to F. And those steps really
13 are about 10 percent differential in traffic
14 in the intersection, will lead to a step
15 downward. An increase of about 10 percent of
16 traffic will lead to a step downward from a B
17 to a C or a C to a D.

18 The blue oval at each of the
19 intersections on the slide is the amount of
20 additional traffic, net new traffic in these
21 intersections. You can see it's all very low
22 at all those intersections so that the results
23 in the next slide.

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2 Levels of service at the
3 intersections with the grading scores and the
4 same sort of diagram. Those results are no
5 different than the levels of service that
6 would be there without this project. In other
7 words, we're not changing level of service at
8 any of the intersections.

9 So, while it has an impact, it's
10 not a very measurable impact because the
11 amount of traffic it will generate, it's net
12 new trips is very small.

13 I want to close by just going back
14 to the transportation benefits that Bill
15 Esocoff covered that if LEED measured them
16 we'd get a lot more LEED points because there
17 are a few more that he didn't mention.

18 he did mention the Car-sharing
19 spaces within the facility and he mentioned
20 the bicycle facility which as an urban
21 bicyclist, this would be the best place to
22 live.

23 In addition, when you move here,

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2 you'll get your first month free SmartTrip
3 Card of SmartTrip Card with \$20 on it which
4 will encourage you to try Metro if you're
5 moving from somewhere else. And you'll also
6 get an annual membership fee in either one of
7 the car-sharing companies, Flexcar or Zipcar.

8 And then finally, there will be an
9 on-site business center so if you just want to
10 stay home and work, you'll have a fax, a Xerox
11 and access to the Internet. So, this has a
12 package that we really encourage people to
13 reduce their impacts and not drive.

14 Thank you.

15 MR. TUMMONDS: That concludes our
16 presentation.

17 CHAIRPERSON MITTEN: Great. Thank
18 you.

19 Questions from the Commission?

20 Mr. Hood?

21 VICE CHAIRMAN HOOD: Thank you,
22 Madam Chair.

23 Mr. Slade, let's go right back to

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2 traffic since we're on traffic.

3 I didn't quite hear what you said
4 about the level of service. But, anyway,
5 intersection of 4th and M --

6 MR. SLADE: Yes, sir.

7 VICE CHAIRMAN HOOD: -- I'm
8 looking through your -- 4th and M, the level
9 of service is what?

10 MR. SLADE: It's a D. Mr. Hood,
11 with the project.

12 VICE CHAIRMAN HOOD: It's a D with
13 the project?

14 MR. SLADE: Yes.

15 VICE CHAIRMAN HOOD: Now, when you
16 did that, I'm looking at the date here when
17 you did your analysis. Did you take into
18 consideration of what may be happening at the
19 Waterside Mall site?

20 MR. SLADE: Well, as you I'm sure
21 are well are, we took it into account in a
22 general way because when we did the analysis
23 things were floundering a little bit over

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2 there at Waterside because of Fannie Mae.

3 In the last two weeks, DDOT asked
4 us to redo this analysis and take Waterside
5 plus several other developments that are not
6 quite in the pipeline yet but are coming along
7 in Near Southwest and Southeast. So, we did
8 that and this intersection will go to a level
9 of service E by about 2012. That's about the
10 time when the 11th Street Bridges are going to
11 be back open to traffic after being
12 reconstructed and that's going to change the
13 traffic patterns in a positive way.

14 So, we think that's kind of an
15 important year for the future in this corridor
16 and so when we met with DDOT to do this
17 supplementary analysis, we picked that year
18 and we tried to estimate those projects that
19 would probably be built by them and take them
20 into account including Waterside.

21 VICE CHAIRMAN HOOD: Okay.

22 MR. SLADE: Long answer. We took
23 it into account.

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2 VICE CHAIRMAN HOOD: I'm looking
3 -- the phase must have improved in that area.
4 From looking at your level of service what I
5 see here, things must have improved. But
6 that's debateable, I'm sure, you know, and I
7 know that there are guidelines in which
8 traffic consultants and I'm sure -- I've heard
9 enough about the book. You've heard me ask a
10 lot about level of service.

11 But I'm very concerned and make
12 sure that the 4th and -- if I remember 4th and
13 M, if I remember correctly. But anyway,
14 that's not going to beat a dead horse.

15 Let me ask you. In the DDOT
16 report dated February 14th. I'm going off the
17 top of my head. I think it was February 14th,
18 they did ask you to re-look at some things as
19 you mentioned. Has that been done and what is
20 the status of it? I know you provided
21 something.

22 MR. SLADE: It has been done and
23 we have a February 26th supplement that DDOT

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2 indicates their satisfaction with the
3 additional materials we submitted.

4 I saw Ken Laden this afternoon and
5 asked him about this and he said he wasn't
6 going to be here tonight because he thought
7 you would have his report.

8 VICE CHAIRMAN HOOD: Yes. Well,
9 we got it tonight.

10 MR. SLADE: I'm sorry, Exhibit 49
11 in the record.

12 CHAIRPERSON MITTEN: We do have
13 that. But we just got it tonight.

14 VICE CHAIRMAN HOOD: We got it
15 tonight. I'm back at the 14th.

16 Okay.

17 Again, can somebody help me.
18 Maybe you, Mr. Slade, can somebody help me?

19 How is that shared drive between
20 your project and I like to call it the
21 Waterside Mall Project. I don't even know
22 what it's called. Waterfront. Whatever it's
23 called now.

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2 I spent almost 12 or 13 years
3 working in the Waterside Mall. So, I like to
4 call it a Waterside Mall Project.

5 Can somebody tell me how that
6 shared drive is going to work?

7 MR. TUMMONDS: Mr. Esocoff is that
8 probably --

9 MR. ESOCOFF: We'd be glad to.

10 We have a slide that shows that.

11 VICE CHAIRMAN HOOD: And I'll tell
12 you why. I'm not sure if you're going to the
13 West Tower side, there's a garage. There's an
14 entrance going into or there was.

15 MR. ESOCOFF: That will be gone.

16 VICE CHAIRMAN HOOD: Okay. That's
17 going to be gone?

18 MR. ESOCOFF: Yes. What's going
19 to happen is from the north, there's going to
20 be about that same place a curb cut and a 22
21 foot wide driveway all on Waterside's
22 property. And in those buildings there will
23 be some loading facilities and Lew's office

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2 has done a careful analysis of how those guys
3 back in there. And our trucks come forward
4 and then back into the loading dock here.

5 There's also some loading in this
6 zone and some loading in this zone on
7 Waterside.

8 From the south it's the same
9 thing. When you drive in about where there
10 used to be a street would be a 22 foot wide
11 curb cut, kind of the size of a reasonable
12 size alley on their property. And then you'll
13 notice it shifts off to provide some clearance
14 on the existing tall building that's, you
15 know, that's the east end of our garden, our
16 central garden. That's going to become
17 residential and there will be a walkway there.
18 And then they'll be 22 feet there that's
19 mostly strattles the property line, most of it
20 on our side of that line and then back.

21 So, there'll be sort of a 20 foot
22 alley. A 22 foot alley that will run from
23 north to south connecting M and K with parking

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2 -- loading zones on the adjoining property
3 that are at an angle so that they are easy to
4 maneuver into and ours which allow you to sort
5 of slip back into and there's enough
6 maneuvering space in all of this. And that's
7 how that's going to work.

8 So, we're giving a little and
9 they're giving a little and the overall effect
10 will be kind of one alley instead of two
11 parallel facilities, neither of which would
12 work very well.

13 MR. TUMMONDS: I'm sorry. I
14 wanted to follow up with Mr. Esocoff.

15 In Proposed Condition Number 8 of
16 our draft order, we would propose that the
17 Applicant and the adjacent property owner
18 would create reciprocal easement agreements
19 that will insure that the mid-block pedestrian
20 connections would still be allowed as well as
21 the share transportation drive.

22 Basically, what will dictate the
23 final, final location that meats and bounds

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2 description for those easements will be not
3 only is approved by you in this case but also
4 is what is approved by you in the Waterfront
5 Associates case. We think that putting in a
6 condition in this order will help assure that
7 that shared drive lane will happen.

8 VICE CHAIRMAN HOOD: Okay. Let me
9 just ask.

10 Mr. Esocoff, do you think for the
11 two new proposals, new proposed residential
12 buildings, do you think you may come back and
13 ask for additional height or is 112 it?

14 MR. ESOCOFF: No. That's it.

15 VICE CHAIRMAN HOOD: Okay.

16 MR. ESOCOFF: We heard that loud
17 and clear when we didn't get our set down.
18 So, I don't think that's in the cards.

19 VICE CHAIRMAN HOOD: You don't
20 want to open that back up.

21 MR. ESOCOFF: If I caught the
22 sense of the discussion we -- those
23 discussions we listened in on.

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2 VICE CHAIRMAN HOOD: And I think
3 it was you, Mr. Esocoff, who mentioned the
4 Tiber Island Residential building.

5 On the side that's facing -- what
6 is that?

7 MR. ESOCOFF: Right.

8 VICE CHAIRMAN HOOD: North. You
9 said there are no windows?

10 MR. ESOCOFF: Right. They're
11 brick buildings. And actually I as a partner
12 in the firm that was a successor firm to the
13 firm that designed those. So, I sort of know
14 those buildings pretty well.

15 I actually understand the
16 architectural genesis or sort of the
17 predecessors of that architecture are building
18 in Philadelphia by Louis Kahn and and also
19 buildings in Marseville by Larcae Boosia that
20 had blank in walls. That was a very trendy
21 idea of making buildings into strong
22 sculptural statements. And those buildings
23 are beautiful, strong sculptural statements.

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2 But they don't necessarily acknowledge the
3 L'Enfant plan in the way that they address the
4 street. They're symmetrical and there's no
5 clear sense of entry.

6 There's essentially a stair tower
7 with an emergency light and two blank walls
8 where people could have windows looking north.
9 It seems kind of unfortunate but people were
10 into doing pinwheels and plan and, you know,
11 it was an interesting period in architecture.
12 And it really worked well in British New
13 Towns. Were you out in the suburbs and maybe
14 there were small streets and so you provided
15 lots of green open space and everybody obeyed
16 the law.

17 Unfortunately, in Washington that
18 open space was then an adjunct to streets that
19 are 120 feet wide. The basis of the L'Enfant
20 plan is that we had these beautiful, almost
21 garden walkways. These streets that are like
22 Mass Avenue is 150 feet wide. And M Street is
23 120 feet wide. This was to have four rows of

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2 great elm trees. They're supposed to be the
3 beautiful linear parks of our city.

4 If you take that and then add
5 another park to it, or a concrete plaza in the
6 middle of a pinwheel buildings like Tiber
7 Island, I think you're sort of getting. You
8 know, it's sort of like having two starches
9 for dinner instead of a starch and a
10 vegetable. It doesn't really add up to a very
11 successful overall ensemble. That's not
12 saying I don't have some great affection for
13 those buildings and

14 VICE CHAIRMAN HOOD: Mr. Slade,
15 you really love your subject. I can tell.

16 MR. ESOCOFF: I really do.

17 VICE CHAIRMAN HOOD: I was
18 thinking I've heard some of this. Okay. You
19 really love the subject.

20 MR. ESOCOFF: Right. So, yes.
21 But those buildings have wonderful views up
22 and down the avenue which is what Washington
23 is also about.

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2 VICE CHAIRMAN HOOD: Okay. How is
3 the shared parking going to work?

4 CHAIRPERSON MITTEN: Mr. Slade,
5 would you turn on your microphone?

6 MR. SLADE: Sorry. For car
7 sharing like Flexcar and Zipcar. So, those
8 companies are looking to locate vehicles and
9 customers in areas of apartments or commercial
10 properties where there's a lot of people who
11 are subscribers and you simply -- you live in
12 the building or you live in the neighborhood
13 and you can -- if you're a subscriber you can
14 go there and get one these vehicles.

15 I don't know if you've ever tried
16 it or are a member. You have a magnetic card
17 in your pocket. You go up to the lot car and
18 you touch it to the device on the back window.
19 The doors unlock, you get inside and you swipe
20 it and you start the car and drive off and
21 you're charged by the hour.

22 VICE CHAIRMAN HOOD: So, the cars
23 are going to -- where are they going to be

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2 located?

3 MR. SLADE: They're going to be
4 located in that first level of parking with an
5 elevator access from the street.

6 VICE CHAIRMAN HOOD: Whether I'm a
7 tenant or not, I'll have access?

8 MR. SLADE: Yes.

9 VICE CHAIRMAN HOOD: And also, how
10 is the --

11 MR. SLADE: Excuse me.

12 I think this, Phil, is my
13 knowledge the first design of this type where
14 the cars are secured in a garage. I mean,
15 they are secured in garages elsewhere but you
16 have to walk down an alley and --

17 MR. ESOCOFF: Right.

18 MR. SLADE: -- and loading dock.

19 MR. ESOCOFF: Right. Most of
20 them, I think they have on-street parking
21 which isn't very good for residents in
22 neighborhoods where buildings were built
23 before the level of car ownership went up.

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2 So, in our project, as the slide
3 shows. What we did was we thought about the
4 process which is, if you're walking along the
5 street and there's a little glass vestibule on
6 the ground level, there could be a sign, a
7 symbol whatever, shared parking. You'd go
8 into that vestibule. You take a little
9 shuttle elevator like you do in some of the
10 theaters around town now. Like down in
11 Georgia. And that would take you down just
12 one level and right adjoining that would be
13 where these shared parking spaces are. So, it
14 would be very convenient. And so people would
15 feel safe. Somebody is walking down the
16 garage ramp through sort of, you know, a
17 garage to find it and looking around for it.
18 It's very clear. You go down. There's a car.

19 MR. SLADE: May I add.

20 MR. ESOCOFF: Sure.

21 MR. SLADE: It's not a random
22 thing. When you're a member you have an
23 information package that you keep in your

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2 brief case or in your pocket and it tells you
3 where all the cars are located in the city.
4 So, you can be anywhere in the city and if you
5 need to use a car impulsively you can walk to
6 one that's somewhere near by.

7 VICE CHAIRMAN HOOD: But you have
8 to bring it back?

9 MR. SLADE: You got to bring it
10 back. You can take it back to another
11 location though, another one of their parking
12 lots.

13 VICE CHAIRMAN HOOD: You can take
14 it to another location?

15 MR. SLADE: Yes.

16 VICE CHAIRMAN HOOD: Well, I've
17 been informed that you have to take it back to
18 the same location.

19 MR. SLADE: There's an extra fee.

20 VICE CHAIRMAN HOOD: Well, maybe
21 we have a couple more hearings, we'll get it
22 straight eventually. Oh, it's an extra fee?
23 Okay.

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2 MS. LYONS: I think if you leave
3 it elsewhere, there's an extra charge.

4 VICE CHAIRMAN HOOD: Okay. Okay.

5 I just was curious to how that was
6 going to work being in the garage.

7 The other thing is on the west --
8 this is the west side -- Marina Towers, even
9 though this is not part of the project. You
10 have the same identical look on the east side.
11 Those two residential buildings there now.
12 Were they owned at one time? I realize all
13 that at one time belonged to the Town Center,
14 but do they still own it? And is there a
15 chance that there may be a project coming in
16 front of the Commission later on for that side
17 too also?

18 Mr. Tummonds, maybe that's a
19 question for you.

20 MR. TUMMONDS: Right. Yes.

21 The Town Center East project, that
22 was a project that I think they are looking at
23 possibilities. I don't think that they are

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2 going to have -- that side is constricted by
3 things where they couldn't build on their
4 surface parking lots like we can on this site.

5 VICE CHAIRMAN HOOD: Okay.

6 Mr. Brock, one of the concerns
7 that I've heard and what I've read in the
8 submittals were being displaced. And you
9 mentioned that in your comments. And it
10 sounds like and I'm sure I'm really interested
11 in hearing some of the testimony.

12 It sounds like you all have really
13 reached out. You've had many meetings and you
14 have -- what did you say a third that want to
15 be homeowners, a third that want to be renters
16 and a third that want to leave.

17 And for the ones who want to
18 leave, to what extent are you helping them to
19 relocate or what are you doing?

20 MR. BROCK: We had offered the
21 tenants of the three options sort of stayed by
22 rent or we've also offered them a buy out. We
23 do not view that as an amenity to the project

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2 itself.

3 We've also engaged a -- I'd almost
4 call it a relocation expert. It's a lady who
5 has a staff on board that's going to help
6 anyone who decides they don't want to live at
7 Marina View to help find them a new place to
8 rent or move to.

9 I've talked to her a couple of
10 times. We walked the property. She knows
11 sort of some of the situations. It's going to
12 be an individual basis. She's going to sit
13 down with everyone individually and help them
14 locate what their needs are and try to find
15 rental property that fits that needs. Or if
16 they choose to take the money, that's a buy
17 out. Put it to a down payment.

18 She's also a realtor. So, she
19 might help them find a place to live or buy
20 with that down payment money.

21 VICE CHAIRMAN HOOD: I know that
22 my last question was not necessarily a land
23 use question, but also when we took the charge

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2 being Zoning Commissioners, protect the
3 residents of the District of Columbia, and
4 that's one of my questions. And it's been a
5 major concern of mine about people being
6 displaced.

7 So, is it your testimony that no
8 one will be displaced?

9 MR. BROCK: No one will be
10 displaced unless they want to leave. We have
11 made the guarantee to our tenants, if they
12 want to stay they can stay no matter what.
13 That's the guarantee we've given them. Our
14 occupancy is about a 51/52 percent. We need
15 50 percent to make the project work.

16 I know of at least that number of
17 people who will leave to bring us down to that
18 50 percent number so we can start on our
19 renovations.

20 VICE CHAIRMAN HOOD: But if they
21 want to leave, you're still going to
22 everything you can to make sure that they have
23 other accommodations?

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2 MR. BROCK: They are well taken
3 care of and that they are finding a place that
4 they can move into.

5 VICE CHAIRMAN HOOD: Okay. That's
6 all I have for right now, Madam Chair.

7 CHAIRPERSON MITTEN: Thank you,
8 Mr. Hood.

9 Commissioner Turnbull, did you
10 have some questions?

11 COMMISSIONER TURNBULL: Yes.
12 Thank you, Madam Chair.

13 I just want to compliment the
14 group for a very well articulated plan. I
15 think it shows a lot of change from the last
16 time we saw it and I think there's a lot of --
17 I think compliment Mr. Esocoff on the green
18 design. I think it's very good.

19 I had a question getting back to
20 the previous floor plan on the loading docks?

21 Now, I take that these loading
22 docks are shared by -- each pair shares not
23 only a Pei building but the new building?

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2 It's just for a question of mine looking at
3 these floor plans. I'm puzzled on how you get
4 to the elevators from the loading dock? I see
5 stairs, but I don't see a --

6 MR. ESOCOFF: In here?

7 COMMISSIONER TURNBULL: Yes.

8 MR. ESOCOFF: Oh, actually, the
9 trucks back in. It's a raised loading dock so
10 you just come off the bed and back -- right in
11 there there's a rear door and that one
12 elevator.

13 On the Pei building, of course,
14 it's more complicated.

15 COMMISSIONER TURNBULL: Yes. Your
16 plan didn't show.

17 MR. ESOCOFF: Oh, I'm, sorry.

18 COMMISSIONER TURNBULL: A rear
19 door and I'm like, how do you get to the
20 elevators except going downstairs which looks
21 very awkward.

22 MR. ESOCOFF: That's just a typo.

23 COMMISSIONER TURNBULL: Graphic.

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2 MR. ESOCOFF: We didn't show that
3 rear door.

4 COMMISSIONER TURNBULL: Okay.
5 Okay.

6 MR. ESOCOFF: Sorry.

7 COMMISSIONER TURNBULL: I was just
8 curious.

9 MR. ESOCOFF: That's why we need
10 flexibility in the internal planning. Without
11 that it wouldn't work.

12 The Pei buildings, you know, don't
13 have any loading now.

14 COMMISSIONER TURNBULL: Yes.
15 Well, that's what I thought. How do you
16 accommodate the --

17 MR. ESOCOFF: We're creating --
18 where the truck could go in here and then you
19 can across. There's a ramp that leads you up
20 to this plank, which we really didn't want to
21 ruin that. And we figured given the
22 infrequency of people moving in and out really
23 and it's during the day. We felt a better

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2 part of valor was to let people actually just
3 come in here. And in the south building which
4 would be really gutted because it's a condo.
5 We were planning adding a service elevator
6 within that brick volume. You wouldn't see it
7 anywhere else. There's an opaque sort of
8 block of brick here where all the guts of the
9 ground floor are existing.

10 COMMISSIONER TURNBULL: Okay.

11 MR. ESOCOFF: So, we would drill a
12 new handicap and elevator. In other words, an
13 elevator that met handicap dimensions that
14 would run vertically up and down through the
15 building for moving in and move out.

16 On the north end we're -- it's not
17 clear whether we would add that elevator or we
18 would simply have to go through and into the
19 existing elevators which would be upgraded.

20 COMMISSIONER TURNBULL: Yes.

21 MR. ESOCOFF: Because it's
22 difficult to keep people in the building and
23 so there's some timing issues and things like

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2 that.

3 COMMISSIONER TURNBULL: Okay.

4 Thank you.

5 You talked about relocating some
6 trees? Are you going to use an arborist?
7 I've had experience in moving trees and --

8 MR. RICHARDSON: Yes. We would
9 use an arborist and we'd also -- the timing is
10 important. You know, in the middle of the
11 summer, you know, we would work out with the
12 developer, you know, to phase -- it would be
13 a phase situation, you know, when we could
14 move them perfectly, you know, at the ideal
15 time.

16 COMMISSIONER TURNBULL: Okay.

17 MR. RICHARDSON: And an arborist
18 definitely would be involved with it.

19 COMMISSIONER TURNBULL: The two
20 buildings on 6th Street, one they look to be
21 about 18 feet high. Is that --

22 MR. ESOCOFF: Yes. What we did
23 was we tried to line them up with the -- that

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2 first concrete band at the top of the arcade.

3 COMMISSIONER TURNBULL: Okay.

4 MR. ESOCOFF: Can we focus on this
5 and elevation? Yes. We have a close up of
6 that. Right. Yes.

7 So, we've sort of taken the
8 profile of the Pei building and the arcade top
9 is about there also.

10 COMMISSIONER TURNBULL: Okay.

11 MR. ESOCOFF: And this sort of
12 honeycomb brick sort of Flemish Bond brick.
13 If you remember, the arcade has some Flemish
14 Bond and honeycomb brick work to let air come
15 in to the cores of the existing Pei
16 buildings. So, we thought on this one we'd
17 use the gray brick from Pei's buildings but
18 then a redder brick for these buildings sort
19 of like garden pavilions. Thought that would
20 be -- dematerialize them at the same time,
21 make them a little more festive.

22 COMMISSIONER TURNBULL: Is the
23 material on the other building, is that block?

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2 MR. ESOCOFF: No. It wouldn't be
3 concrete block. It would either be -- there's
4 some very large bricks now. They're almost
5 the size of concrete blocks. But it will be
6 masonry bricks or some stone veneer.

7 COMMISSIONER TURNBULL: Okay.

8 MR. ESOCOFF: But sort of a blow
9 up of that same pattern but on a larger scale
10 to reduce the scale of the building.

11 COMMISSIONER TURNBULL: It would
12 be interesting to see a sample of your mesh
13 for the balconies.

14 MR. ESOCOFF: We have that.
15 Someone is going to bring that to me.

16 That's a perforated metal
17 screening and then in the silver color and
18 then it would be in this copper color. But
19 this is imperforated wood. So, it would
20 almost pick up the bricky quality of some of
21 Clofia's brick screens on her balconies which
22 are pretty much a marvel that has held up for
23 40 some odd years and not fallen apart.

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2 It's kind of a mystery as to how
3 she did that. It's really quite true to
4 force.

5 And also though then they had some
6 of the silver quality that would pick up on
7 Pei's aluminum windows. So, we're trying to
8 sort of blend in some of the colors and
9 materials from actually southwest. I mean,
10 we've never really done a building that had so
11 little masonry in it as we are down here. So,
12 it's a nice opportunity for us to try out
13 that.

14 COMMISSIONER TURNBULL: On the
15 waterfall gardens. The water, is that -- I'm
16 looking at green design stainable. Is that a
17 recirculating waterfall or --

18 MR. RICHARDSON: Yes. It would be
19 recirculated.

20 COMMISSIONER TURNBULL: Okay.

21 The trellis on the roof, the plan
22 shows it going on three sides but your
23 elevation looks like it goes on four sides.

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2 Is it --

3 MR. ESOCOFF: You mean on the Pei
4 Towers?

5 COMMISSIONER TURNBULL: Yes.

6 MR. ESOCOFF: I don't know.

7 COMMISSIONER TURNBULL: I'm just
8 curious.

9 MR. ESOCOFF: I don't think we
10 have trellis on the Pei Towers. It's more
11 like something that's projecting off of the
12 side of the penthouse. We'll see if we can
13 there.

14 COMMISSIONER TURNBULL: I mean,
15 maybe it's the other building. I guess it's
16 the other building.

17 MR. ESOCOFF: Yes. The new
18 building probably.

19 COMMISSIONER TURNBULL: Yes. You
20 see on this plan here it shows that it doesn't
21 go down by the -- that over there.

22 MR. ESOCOFF: The back.

23 COMMISSIONER TURNBULL: I was just

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2 curious when the elevation shows that it did
3 go all the way around.

4 MR. ESOCOFF: Yes. That's
5 probably a drafting error.

6 COMMISSIONER TURNBULL: Okay.

7 MR. ESOCOFF: What would you like
8 it to be?

9 COMMISSIONER TURNBULL: Three
10 sides.

11 MR. ESOCOFF: Three sides. Three
12 sides. Our landscape architect informs it
13 should be on just the three sides.

14 COMMISSIONER TURNBULL: Just the
15 three sides. Okay.

16 Now, the lights on the roof, what
17 lighting are you looking at on the roof?

18 MR. ESOCOFF: We haven't gone that
19 far but we're sensitive to Dark Skies
20 Initiatives. That's another sort of
21 environmentally sensitive thing. So, we'd
22 like to have lower footlights. It's nice to
23 be able to see out.

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2 From here you'll have views out to
3 the water and to National Airport. And so we
4 don't want glare in there blocking views of
5 hopefully stars occasionally.

6 COMMISSIONER TURNBULL: So,
7 primarily down light.

8 MR. ESOCOFF: Down light. Maybe
9 some soft lighting of the trees themselves.

10 COMMISSIONER TURNBULL: Okay.

11 MR. ESOCOFF: But not a lot of big
12 glary things.

13 COMMISSIONER TURNBULL: Subtle but
14 safe?

15 When you redo the arcades of the
16 Pei buildings, there was obviously some cement
17 plaster ceiling originally. You're going back
18 with that?

19 MR. ESOCOFF: Yes. We're just
20 going to try to restore all those finishes as
21 close as possible to what they are now. And
22 there's a lot of leaking pipes. So, a lot of
23 that has to be replaced. And there are lights

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2 that are flush in there. I want to make sure
3 that those are -- the lighting levels, you
4 know, that that's done esthetically, not like
5 glary.

6 COMMISSIONER TURNBULL: And then
7 the lighting throughout this whole new garden
8 area then is --

9 MR. ESOCOFF: We actually haven't
10 gotten --

11 COMMISSIONER TURNBULL: Haven't
12 done anything yet?

13 MR. ESOCOFF: I really haven't
14 gotten into that. But I like low lighting in
15 the plants, not a lot of glare. Maybe Don
16 would like to comment.

17 MR. RICHARDSON: Yes. It would be
18 very low because we don't want to, you know,
19 disturb the residents.

20 COMMISSIONER TURNBULL: Right.

21 MR. RICHARDSON: And have glare up
22 into -- you know, lights that would glare into
23 the apartments. So, it would be very low and

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2 downward, you know, facing down. Pointed
3 down.

4 COMMISSIONER TURNBULL: When
5 you're going to the central garden and it's
6 locked, do the residents have like a card they
7 swipe and it's open or --

8 MR. RICHARDSON: Yes. It would be
9 sort of a key or a card.

10 COMMISSIONER TURNBULL: Key.

11 MR. RICHARDSON: System to get
12 into the garden. Yes. A gate. There will be
13 two gates.

14 COMMISSIONER TURNBULL: Okay. All
15 right.

16 Those are my questions, Madam
17 Chair.

18 Thank you.

19 CHAIRPERSON MITTEN: Thank you,
20 Commissioner Turnbull.

21 I just want to say. I'm not
22 usually one to gush about projects that we
23 see, but this is a fabulous project, I think.

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2 This is going to be a great place to live.
3 It's so sensitively designed. It's just
4 fabulous. So, congratulations on that.

5 Just a couple of questions.

6 I didn't see among the proffered
7 amenities and benefits a LEED proffer, even
8 though you described all of these great
9 things. So, I'm wondering why that is?
10 Because we'd really like you to be setting a
11 very high standard for other developers who
12 will follow you in the southwest.

13 MR. BROCK: LEEDS is a pretty
14 tricky scoring system. We feel that we are
15 very closely being LEED certified. To
16 guarantee a LEED certification as right now,
17 I think it's a little premature.

18 CHAIRPERSON MITTEN: One of the
19 things that we've said of other developers is
20 to a minimum not necessarily to get certified
21 but a minimum number of points. So, I'd ask
22 you to consider that.

23 MR. BROCK: What number are you

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2 thinking?

3 CHAIRPERSON MITTEN: Well, someone
4 who wasn't trying very hard recently, I think
5 they committed to 16. So, you guys can
6 probably do better.

7 MR. BROCK: We'll be above that.

8 CHAIRPERSON MITTEN: Okay.

9 MR. ESOCOFF: One point below
10 LEED.

11 Actually, I know our clients are
12 in tune about this because the LEEDs process
13 can cost hundreds of thousands of dollars.
14 And so I'd rather spend that money on
15 something. But our assessment of most of
16 these projects and it's true of almost
17 anything else.

18 Just by building in the city and
19 doing some of the things we've done, is that
20 you're over the certification level by several
21 points and you're almost close to silver.
22 That's our experience in a project that we're
23 doing nothing more than what we're doing here

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2 in Clarendon. So, I don't know. I don't want
3 to commit them to anything, except that I can
4 reassure them that everything they've sort of
5 agree to today, probably gets them over the 26
6 points for certification.

7 CHAIRPERSON MITTEN: I just want
8 to -- if you could commit to a minimum number
9 of things, that would be very helpful to us.

10 MR. ESOCOFF: Okay.

11 CHAIRPERSON MITTEN: Thank you.
12 I'd like to get and you could just have this
13 as an additional submission a little bit more
14 detail on the proffer related to the discount
15 purchase program. I mean, it's a very general
16 characterization of what's going to be used.
17 And in that, if you could describe for us
18 whether there will be any limitation on resale
19 for any period of time or if someone could
20 take advantage of the program and then turn
21 around and sell it to someone else. But you
22 don't need to describe that right now.

23 I'd also like you to consider and

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2 I know that Commissioner Jeffries would join
3 me in this about reducing the parking from a
4 one to one ratio. You have a great -- your
5 proximity to Metro, you have a great bicycles
6 -- great design and accommodations for people
7 to use bicycles. A great pedestrian
8 environment. You have a good transportation
9 management plan and we're really encouraging
10 people not to park -- we understand that
11 people like to have a car. We're trying to
12 even work on, you know, creating more of a
13 distance for people to own even if they don't
14 drive it every day.

15 MR. ESOCOFF: We have looked into
16 this a little bit. We are going to continue
17 to look at it.

18 One of our problems is we are
19 replacing surface parking lots with towers.
20 And as of the way we think we're going to
21 phase the project, we are going to have
22 residents living in that north Pei tower as --
23 basically, as we will redo the north Pei

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2 tower, we'll come down and do the south side
3 and reason why there's four decks in the south
4 side is so when we turn to do the north side
5 Pei Tower, our current residents can still
6 park on site. We don't want to push them off
7 into the community. That's what gives us an
8 extra parking desk to play with that in the
9 end we don't think we're going to really need.

10 I've had some preliminary
11 discussion with Arena Stage who has a pretty
12 big parking crunch. Thought about maybe
13 leasing some of those spots to them in the
14 future once all the towers are completed.
15 It's just one of the things. We want to keep
16 everything on our site internal so we aren't
17 displacing parking out into the community.

18 CHAIRPERSON MITTEN: Okay. I'd
19 also like you to work a little bit more on the
20 phasing. And I means that because I know you
21 guys are sensitive to the existing residents.
22 There's a couple of things I'd like you to
23 give specific thought to in terms of just

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2 elaborating the phasing that you're
3 requesting.

4 One is to constrain in a shorter
5 time period the work that you would be doing
6 on existing buildings or at least -- well,
7 work that would be affecting residents and the
8 movement of residents because we don't want
9 that to be drawn out.

10 And then in the phasing, when
11 would you deliver the landscaping in the
12 center and the amenity building? Would that
13 be to the end or would that be earlier? And
14 so if you could address that.

15 And then finally, can you tell us
16 about the conversations you had with Tiber
17 Island Cooperative about their concerns. What
18 concerns they expressed to you and then your
19 response?

20 MR. ESOCOFF: Well, the concerns,
21 I guess, were the width of the sidewalk and
22 it's my feeling that we've learned a lot about
23 urban design and the amount of sidewalk space

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2 that we provided is sufficient.

3 We, you know, spend a lot of time
4 just sending people out measuring sidewalks in
5 and around Dupont Circle and other parts of
6 the city before we do this. And we'll be
7 surprised at how we miss -- misinterpretable
8 we think is a certain width until we go out
9 there. And so we go out there and measure
10 like good professionals. And I think that
11 maybe it's just maybe -- there maybe a
12 disconnect between what they perceive to be
13 wide enough and what is wide enough. I think
14 what we've got is really certainly wide
15 enough.

16 It's not like the situation where
17 say on the east side of the 70th inter-block
18 of Connecticut Avenue by City Lights of China
19 for instance. That sidewalk is too narrow.
20 But it's actually very sufficient if you go up
21 and down say 15th Street or around Corcoran
22 and 17th Street. A lot of those sidewalks are
23 very similar to what we have and many of them

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2 are very pleasant. And they have a sense of
3 activity about them.

4 So, I appreciate their concern,
5 but I don't have any qualms that we're not
6 providing something that's very responsible
7 that way.

8 MR. TUMMONDS: Mr. Esocoff, if you
9 were to push back the building on M Street to
10 22 feet rather than the 18' 8" that we're
11 proposing would that have a detrimental impact
12 on the project we're presenting this evening?

13 MR. ESOCOFF: Well, sure. If we
14 push the whole building back.

15 The first thing I would suggest is
16 yes. Push the whole building back the 22
17 feet. Then the vest pocket gardens between
18 the existing Pei Towers and our buildings
19 would be, I think, a little too narrow. Right
20 now they're almost the width of De Sales
21 Street which is the north side of the
22 Mayflower Tower which is really a very
23 pleasant street. And we're no way near as

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2 long and our building aren't even as high so
3 it's actually much more open.

4 So, I feel comfortable because I
5 went out and measured that street. It's 55.11
6 feet wide, you know. It sort of like verify,
7 just me verify.

8 So, I'm pretty confident but I
9 wouldn't want to make it any narrower than
10 that. And I think that, you know, there's
11 some vision in the L'Enfant plan that we're
12 supposed to define the width of the street
13 that was given to us. The L'Enfant plan of
14 course as added to by the McMillan Commission
15 to create handsome urban boulevards. And
16 we've already taken this building down from
17 what would be allowed under that formula from
18 130 to 102 and then a setback. I'm not sure
19 where we, you know, where we should loosen
20 that up anymore.

21 In fact, the south side of the
22 street is undefined. It only has two story
23 buildings that have a garden wall with a solid

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2 gate and set back from that then are two story
3 brown brick town houses that are not really a
4 very urban form. So, in way, they almost make
5 this up.

6 And the other thing I would say is
7 we're on the north side of the street so we
8 can't be casting shadows to the south. And we
9 are not between the windows of Tiber Island
10 and views down Main Avenue. So, I'm not sure
11 -- there may be a perception that we're
12 blocking views, but I don't think that's the
13 reality. And I don't see where pushing our
14 building back changes much except to squeeze
15 the garden. And we're trying to do right by
16 the Pei buildings which is to give them enough
17 breathing room to be buildings in the round
18 which is not a very urban thing, but in this
19 case, you know, we want to save that.

20 So, that's more than I need to say
21 about that.

22 CHAIRPERSON MITTEN: Thank you.

23 Okay. Thank you.

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2 Is there anyone here representing
3 the ANC?

4 Oh, did you want to ask any cross
5 examination questions? Cross examination?
6 Okay.

7 I need you to have a seat there
8 and identify yourself for the record if you
9 would and give your --

10 Do you have a report from the ANC
11 that authorizes you to represent them?

12 MR. SKOLNIK: Yes. We voted at
13 our last meeting that I was the representative
14 and I was told that that was sent to your
15 office.

16 CHAIRPERSON MITTEN: Okay. We'll
17 take a look. What's your name?

18 MR. SKOLNIK: Max Skolnik.

19 CHAIRPERSON MITTEN: What's the
20 last name?

21 MR. SKOLNIK: Max Skolnik, sorry.

22 S-K-O-L-N-I-K.

23 CHAIRPERSON MITTEN: Okay.

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2 MR. SKOLNIK: I have testimony too
3 but is that --

4 CHAIRPERSON MITTEN: That's later.

5 MR. SKOLNIK: Okay.

6 CHAIRPERSON MITTEN: This is just
7 questions for the Applicant's witnesses.

8 MR. SKOLNIK: Okay. Good evening,
9 Commissioners.

10 I had a number of questions,
11 unfortunately or fortunately a number of
12 people handed me questions as I was coming up
13 so they're kind of out of order so I hope you
14 bear with me.

15 In terms of the setbacks issue,
16 how are they defined by law? Is it by the
17 pocket doors or by the facing because I know
18 there were some differences in the way that it
19 was presented.

20 CHAIRPERSON MITTEN: Mr. Tummonds,
21 do you want to take that one.

22 MR. TUMMONDS: Because this is a
23 PUD project and in PUD projects the Applicant

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2 is granted flexibility. The Zoning Commission
3 has the flexibility to say we believe that
4 this is an appropriate setback for this
5 building. So, I think here when we are saying
6 that we are providing an 18 foot 8 setback,
7 at the ground level, that's an appropriate
8 standard determination of what is our setback
9 from the curb.

10 CHAIRPERSON MITTEN: Just to be
11 clear. Mr. Tummonds is right, but just for
12 your clarification. There's no relief being
13 sought. There's no zoning relief being sought
14 related to the setback in this case.

15 MR. ESOCOFF: There is in fact no
16 required setback in Washington. The premise
17 of the city was that front yards were
18 established between the building and the back
19 of the sidewalk to insure that we wouldn't
20 have -- that's why we don't have front yards
21 in general in the city. It was set up to have
22 linear gardens in front so people could
23 personalize, then the sidewalk and then it

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2 becomes more formal as it goes in.

3 And so to have a yard on top of
4 that yard is one of things that people don't
5 do.

6 One of the reasons --

7 CHAIRPERSON MITTEN: Okay. Okay.
8 That's good. You guys can have a nice
9 conversation later.

10 MR. SKOLNIK: I guess what I was
11 sort of trying to clarify is. How are you --
12 how are you presenting what your setback
13 actually is? I mean when you say 18, 8 why do
14 you choose that number and not the 12 which
15 was the sidewalk size or the 15, I think,
16 which was from the facing?

17 MR. TUMMONDS: I think Mr. Esocoff
18 can answer.

19 CHAIRPERSON MITTEN: Turn on the
20 mike.

21 MR. ESOCOFF: Yes. Well, the
22 existing condition is that our property line
23 to the face of the curb is 18 foot 8. The 18

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2 foot 8 is public space and generally speaking
3 in a zone or in most of the city you just can
4 build right to that.

5 And then we set back three feet
6 just additionally -- actually, to create a
7 little sense of sculpture relief. It was
8 really an architectural thing on our part to
9 provide just a little bit more meandering room
10 if you want to stop and look in the window,
11 that they're out of the flow of traffic.

12 But, for instance, on Mass Avenue,
13 around Mt. Vernon Triangle, the Office of
14 Planning is suggesting a 10 to 12 foot
15 sidewalk on Massachusetts Avenue. So, we felt
16 that, you know, have 12 foot 8 clear that
17 included some portion of it being our own
18 contribution to that clearance, was perfectly
19 fine and we provided what is considered a good
20 amount of space for the planting strip of six
21 feet.

22 So, it's just a hybridized design
23 but we really don't need to have even the 18

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2 foot 8 legally say, but as a matter of right,
3 but we just felt that that was better.

4 MR. SKOLNIK: Practically speaking
5 as a pedestrian though I would typically
6 expect to see a 12, 8 sidewalk.

7 CHAIRPERSON MITTEN: Okay. This
8 is for questions, not for --

9 MR. ESOCOFF: Okay, well -- well,
10 then what we have is a 12, 8 sidewalk but then
11 you might not realize it, but some -- it's
12 actually wider than that. It's actually --
13 see, we have a 12 foot 8 sidewalk from the
14 face of the glass to where you have all the
15 greenery around the trees. So, you actually
16 have a 12 foot sidewalk.

17 MR. SKOLNIK: Now, in terms of the
18 Great Lawn, what is the accessibility of the
19 Great Lawn to the entire park itself? I know
20 the pavilion part is open to the public, but
21 what about the other parts?

22 MR. RICHARDSON: Yes. The Great
23 Lawn has two gates. There are two gates

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2 either side of the -- there it is there.

3 The two gates -- want to click it?
4 Would be there, one there and one on the other
5 side which would be access into the garden.

6 CHAIRPERSON MITTEN: I think he's
7 asking also when?

8 MR. RICHARDSON: Oh, when? Well,
9 it would be --

10 MR. ESOCOFF: I think it's the
11 owners.

12 MR. RICHARDSON: It's a residents'
13 garden. It's a residents' garden so it's the
14 owners.

15 CHAIRPERSON MITTEN: It's not open
16 to the public?

17 MR. BROCK: It's for all four
18 buildings. Yes. Just all four buildings.
19 It's a private lawn for the four buildings and
20 the people who live in those buildings.

21 MR. SKOLNIK: And why was that
22 decision made?

23 MR. ESOCOFF: That's the kind of

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2 decision that flows from urban design
3 observations and writings and theories that
4 have been developed over the last 40 years
5 that people need to find public spaces.

6 One of the big problems in urban
7 housing projects has been nobody feeling
8 responsible for any part of it and nobody
9 feeling they can ask people who are creating
10 mischief to move on.

11 And so in redoing a lot of
12 projects like the Hope VI Projects or the
13 reconfiguring of other housing projects,
14 people have found that by clarifying who has
15 user rights in certain areas, they found that
16 that provides a more ordered public round that
17 is better maintained and is safer and better
18 for the residents.

19 Also, you have a 556 units here.
20 This is -- all those residents have the use of
21 that backyard and it's no different than if
22 you had a block of town houses where everybody
23 had private backyards. Those are also not

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2 accessible to the people on that block.

3 So, if you went back 70 years and
4 these were all town houses, there would be an
5 alley and locked gates into people's private
6 residential backyards. And it's one of the
7 requirements to live comfortably in the city
8 is to have spaces that are very private, semi
9 private or communal spaces like the roof tops
10 and this garden and the ones that are more
11 open to the public like the garden along 6th
12 Street. And it's sort of a reasonable
13 hierarchy of spaces. And it then provides
14 people with a sense of ownership and they
15 maintain those gardens and there's a visual
16 benefit to seeing through there like when you
17 walk up 5th Avenue and look into the garden of
18 some of the old mansions that are now art
19 museums.

20 So, they're used in certain ways
21 and perhaps the residents would like to have
22 it open for guests during -- at certain times.
23 So, that's really their sort of amenity space

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2 to make living in the city sort of a nice
3 thing.

4 MR. SKOLNIK: Okay. During the
5 construction and during the rehab, will the
6 Great Lawn be accessible to current residents?

7 MR. BROCK: The way we have this
8 phased is to do that north Pei Tower first and
9 then we are going to start on the south
10 section. And to me the south section includes
11 the Great Lawn, the pool, the south Pei and
12 the south parking lot. We're going to try to
13 turn the Great Lawn and the amenities building
14 as quickly as possible to get that up and
15 running for the north Pei residents. It's
16 going to take a little bit of time just to do
17 everything we need to do but we're going to
18 try to get that up and running as quickly as
19 possible.

20 MR. SKOLNIK: Can you make
21 accommodations for pets during that time who
22 may use that Great Lawn?

23 MR. BROCK: I think there's

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2 surrounding parks that -- and other areas, I
3 mean. It's city living still and it's going
4 to be a construction site.

5 MR. ESOCOFF: You know, we've
6 thought about that because somebody asked that
7 at the meeting. And you remember we talked
8 about like these little quadrants here. I was
9 thinking that we could have an area where
10 people could walk their dogs and have plastic
11 bag things. Because that's a necessary part
12 of urban living, although that's one of the
13 reasons I would never have a dog in the city.

14 MR. SKOLNIK: I was also asked
15 specifically about a weeping willow tree.

16 CHAIRPERSON MITTEN: Okay. This
17 is very, very, very finally grained detail --

18 MR. SKOLNIK: Sure.

19 CHAIRPERSON MITTEN: -- that I'm
20 not sure is --

21 MR. SKOLNIK: Okay. I can go to
22 the larger questions. It's not a problem.

23 Amenities for the roof pools. Are

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2 those open to all the residents?

3 MR. BROCK: The roof pools will be
4 open to the residents that live in those
5 buildings. That's why we're also providing
6 the pool in the amenities building itself for
7 all of our residents.

8 MR. SKOLNIK: Okay.
9 Transportation issues.

10 I see that you have that elevator
11 that goes down to the car share. And are
12 there five spaces as asked for by DDOT? What
13 is the security measures for that elevator?
14 Is that going to be open to the public and
15 then get into the garage or is it just for --
16 is there a code key that fits for the car
17 share folks?

18 MR. BROCK: That parking is
19 actually going to be used for commercial, the
20 retail space. So, that will be open to the
21 public. They will be the second gate that
22 will close for the residents. So, it will be
23 open to everybody to use for parking in the

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2 retail and then five car share spaces.

3 MR. SKOLNIK: But the elevator
4 only goes to those --

5 MR. BROCK: Right. It just goes
6 down one floor.

7 MR. SKOLNIK: Okay. The Metro car
8 share subsidies. Are those for all residents
9 or just new residents?

10 MR. BROCK: They're going to be
11 for all residents.

12 MR. SKOLNIK: Okay. I have some
13 questions about the benefits.

14 And how did Fairfield specifically
15 arrive at the discount price it's offering to
16 the current residents and was that negotiable?

17 MR. BROCK: It was actually not a
18 negotiable number. We looked at the three
19 options and decided based upon talking to
20 everyone, we wanted to offer an attractive
21 package to everyone, not just the condo
22 discount, not just the rental. So, what we
23 did is we took a survey using a couple of

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2 different marketing companies on what a
3 current new condo project would cost in
4 southwest D.C. right on the water, right on
5 the Metro. Came to about a number depending
6 on the marketing company of about \$525 to \$570
7 a square foot. We went with the lower number,
8 backed off of that and came up to about a \$425
9 a foot number. So, the \$100 off a foot is
10 that and that's how we came to the condo
11 discount number.

12 If you look at \$100 a foot
13 averaging in size about 640. I don't have my
14 exact notes in front of me. And that's
15 \$64,000. Each unit is discounted, multiply
16 that by the 50 or so residents and you come up
17 to the \$3.2 million number.

18 MR. SKOLNIK: Okay. And that \$100
19 discount is locked in?

20 MR. BROCK: As of right now. Yes.
21 It is locked in.

22 MR. SKOLNIK: And would there be
23 any opportunities for that to change or --

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2 MR. BROCK: No.

3 MR. SKOLNIK: As it is right now.
4 Okay.

5 What is the actual numbers of
6 potential buyers, renters, you say it's a
7 third to a third, a third? So, what was the
8 breakdown?

9 MR. BROCK: It's about 50/50/50.
10 I think we're at 147 residents. Units
11 occupied.

12 MR. SKOLNIK: So, you anticipate a
13 hundred then who would be actually standing on
14 site?

15 MR. BROCK: Yes. That's what
16 we're thinking.

17 MR. SKOLNIK: What is your
18 information on the condo conversion vote in
19 that process?

20 CHAIRPERSON MITTEN: What's the
21 question?

22 MR. SKOLNIK: The condo
23 conversation vote. The tenants voting on

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2 whether to --

3 CHAIRPERSON MITTEN: That's beyond
4 the scope of a land use proceeding, so you
5 could deal with that separately, if you would.

6 MR. SKOLNIK: Okay. I have other
7 benefits issues also.

8 CHAIRPERSON MITTEN: It depends on
9 what you're going to ask.

10 CHAIRPERSON MITTEN: You can
11 correct me if I'm wrong.

12 What was the buy out offer?

13 CHAIRPERSON MITTEN: That's also
14 beyond the scope.

15 MR. SKOLNIK: Beyond the scope.

16 In terms of the assistance that
17 you'll provide to those to find housing, is
18 there any length on that service? Are any
19 restrictions placed?

20 CHAIRPERSON MITTEN: Let me help
21 narrow it for you.

22 MR. SKOLNIK: Sure.

23 CHAIRPERSON MITTEN: They've made

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2 specific proffers and then they're doing other
3 things that they're not proffering. So, when
4 you ask about the discount, the \$100 discount,
5 \$100 per square foot discount, that's in a
6 proffer. The relocation assistance is not in
7 a proffer. That's something they're doing
8 separately and it's not part of this case.

9 So, any questions that you have
10 that don't relate to a specific proffer, I'd
11 ask you to take those up outside of the
12 hearing.

13 MR. SKOLNIK: Okay. Did you
14 measure the impact of the development on
15 vistas for other neighborhood property owners?

16 MR. ESOCOFF: Yes. I think I
17 talked about that. I mean, yes.

18 MR. SKOLNIK: Besides --

19 MR. ESOCOFF: Yes. I mean, it's
20 one of the reasons that we sculpted the size
21 of the new buildings next to the Pei buildings
22 so that both the residents in that building
23 and our building would have undulating opening

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2 views and vistas, both east and west. And
3 also we were treating you might say the side
4 that is not open to the public with the exact
5 same level of care, attention to materials and
6 richness as the other sides because in my
7 theory looking across to another building
8 should be a delight also.

9 And so one of the views we're
10 providing is of the well done building in the
11 same way that I would hope people think when
12 the residents of the new towers look at the
13 existing Pei buildings that that view of
14 building by Pei is an amenity in and of
15 itself.

16 MR. SKOLNIK: Okay. The balconies
17 projecting over the public space. Is that
18 restricting the setback at all? Does that
19 have any effect on the trees that will be
20 planted along the side?

21 MR. ESOCOFF: I don't think so.
22 Those are very much within the same routine as
23 anywhere in the city. Go up and down any

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2 boulevard in the city and their projecting
3 balconies. It's only four feet and it adds a
4 lot of richness and sculptural quality that
5 you see lacking on for instance K Street where
6 the office buildings don't have any bays or
7 balconies in general.

8 MR. SKOLNIK: I just have a few
9 more.

10 In terms of esthetics, a number of
11 urban properties in urban renewal areas have
12 extensive brick as an element in the facades.
13 Why does the architect view as advantageous to
14 using no brick in the facades of the new
15 towers? Will this detract from the character
16 of the surrounding neighborhoods?

17 MR. ESOCOFF: Well, if the
18 surrounding neighborhood is potentially a
19 historic district and has concrete framed
20 buildings with glass, but also some buildings
21 that are brick and some with exposed concrete,
22 I think we may not have been obvious, but we
23 actually do have some bricks surrounding the

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2 piers of the buildings and then we have a
3 brick color in the copper. So, we felt that
4 that would give it, you know, a nice residence
5 with what's around.

6 CHAIRPERSON MITTEN: Mr. Esocoff,
7 in answering the question, could you say
8 whether or not you worked with historic
9 preservation staff from the Office of Planning?

10 MR. ESOCOFF: Yes. We did work
11 with historic preservation staff from the
12 Office of Planning and I'll just read the one
13 summary they said. Is that in sum, the staff
14 finds the concept design both extremely
15 thoughtful and highly successful as compatible
16 design in its context. It should serve as a
17 real model for how to integrate substantial
18 new construction within the southwest
19 environment.

20 CHAIRPERSON MITTEN: Okay.

21 MR. SKOLNIK: Thank you.

22 CHAIRPERSON MITTEN: Thank you
23 very much. All right.

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2 Anybody have any follow up before
3 we move on? Okay. Then we're ready for Mr.
4 Lawson's report.

5 MR. LAWSON: Thank you, Madam
6 Chair, Members of the Commission.

7 For the record, my name is Joel
8 Lawson and I'm with the Office of Planning.

9 Essentially, I'm going to let the
10 report stand, but I'll provide a little bit of
11 an update from our February 5th report where
12 OP had indicated support for the proposal.

13 We raised a few issues in our
14 report and there are a few additional
15 comments. I have a few additional comments
16 based on today's presentation and some of the
17 other submissions that were being received
18 through that time -- since that time.

19 As a I said, there were a few
20 issues that were raised in our report.
21 Notably, the amenity items itself and the need
22 for some additional clarity and I'll get to
23 that in just a moment.

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2 The question about the easement to
3 insure the mid block connection and the
4 Applicant has addressed that issue tonight
5 satisfactorily, I think. As well as DDOT's
6 support for the overall transportation plan
7 and I believe now we have the report from DDOT
8 that they support the proposal as purported by
9 the Applicant.

10 The Office of Planning considers
11 the proposal to be not inconsistent with both
12 the current and with the draft 2006
13 Comprehensive Plan. It particularly appears
14 to further objectives related to the provision
15 of appropriately scaled environmentally
16 sensitive in-fill residential development
17 adjacent to Metro stations.

18 Other attention and upgrading of
19 the existing buildings and the court yard has
20 further historic and environmental benefits.
21 OP notes that the offer to provide background
22 research required as a condition precedent to
23 the establishment of the historic district as

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2 mentioned in the OP report has now been
3 eliminated by the Applicant.

4 We discussed that with the
5 Historic Preservation office and they had no
6 concerns with the elimination of that element.
7 And as the Applicant has stated tonight, our
8 office, our Historic Preservation office has
9 endorsed the proposed plan and the Applicant
10 has agreed to return to the HPRB for final
11 design approval at the appropriate time.

12 With regards to the amenity
13 package, the affordable housing proffer in
14 that package is or at least appears somewhat
15 less than is usual for PUDs. However, as
16 noted in our report we had discussions with
17 the new office of tenant office of the tenant
18 advocate who has indicated to OP that there is
19 at least some benefit to the proposed rental
20 and home ownership proffers for the existing
21 tenants. These would benefit the existing
22 residents. However, as the Commission has
23 noted tonight, these have been somewhat hard

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2 to quantify in terms of an exact and actual
3 value.

4 Also as noted in our report, OP
5 had encouraged the Applicant to augment the
6 proffers or to consider additional amenity
7 items. However, the amenity items proffered
8 in terms of the affordable housing, the
9 benefits to the existing tenants, the green
10 building and green roof initiatives, historic
11 preservation and upgrading and the small
12 contributions to local schools and
13 organizations are certainly supported and I
14 agree certainly that many aspects of the
15 package such as the on-site stormwater
16 management, the extensive bike parking and the
17 landscape restoration all really do set new
18 standards for new residential development in
19 the District and we commend the Applicant for
20 those.

21 The Applicant has requested some
22 zoning flexibility to allow more than one
23 building on a single property and from

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2 specific loading requirements. Given the
3 nature of the proposed development on the
4 site, OP has no concerns with the requested
5 flexibility.

6 We -- where am I here?

7 With regards to the M Street
8 setback, if you'd like me to kind of opine on
9 that, I think that that's being discussed at
10 some length. As noted by the ANC, there was
11 a request for a setback of no less than 22
12 feet from the curb. I'd note that the ground
13 floor as proposed is -- sorry.

14 Actually what I really wanted to
15 really say was that at this location, M Street
16 is actually 120 feet wide, which is
17 significantly wider than most streets in this
18 area including frankly other portions of M
19 Street in the Southwest neighborhood where M
20 Street narrows down to 90 feet. So, M Street
21 is already wider than most streets in the
22 neighborhood.

23 An additional setback of about --

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2 and by my calculations would be about six
3 feet, would not appear to have a significant
4 impact on views, light or privacy on any
5 existing residents. But it would push the
6 proposed new building slightly to the north
7 and closer to the existing building, squeezing
8 the vest pocket area and potentially
9 negatively impacting light and privacy there.
10 As such, OP is okay with the proposed building
11 placement.

12 In summary, we're supportive of
13 this proposal to replace surface parking lots
14 with new residential units. The site is
15 within easy walking distance of a Metro
16 station, will add new retail and restore park
17 space, will compliment redevelopment plans for
18 both the Arena Stage and Water Mall --
19 Waterside Mall sites. And we're also very
20 supportive of the Green Building and Smart
21 Growth initiatives.

22 We're generally supportive of the
23 overall site and design of the central

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2 courtyard and roof tops will be valued outdoor
3 space for residents as well the vest pocket
4 parks, although with the discussion today, I
5 wasn't quite clear. As clear as I thought I
6 was on whether the vest pocket parks had any
7 accessibility to the public. If not, we would
8 have liked to have seen the retail space
9 actually open up onto the self vest pocket
10 park to allow those patrons to enjoy what I
11 think are going to be really delightful and
12 wonderful spaces.

13 The project is generally
14 consistent with goals and objectives outlined
15 for the area and the Comp Plan as I said and
16 with overall pattern of the development in the
17 area and the heights of the proposed buildings
18 are appropriate to the location.

19 I think I'll leave it at that and
20 I'll remain open to questions.

21 Thank you.

22 CHAIRPERSON MITTEN: Thank you,
23 Mr. Lawson.

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2 Any questions from the Commission
3 for Mr. Lawson? Any questions?

4 Mr. Tummonds, any questions?

5 MR. TUMMONDS: No questions.

6 CHAIRPERSON MITTEN: Commissioner
7 Skolnik, any questions? No. Okay.

8 Thank you very much.

9 And as we discussed earlier, we
10 have several reports from the Department of
11 Transportation in the record, the most recent
12 of which was submitted or was written on the
13 -- I guess also submitted on the 26th of
14 February and that since the Applicant has
15 agreed to provide the suggested transportation
16 demand management plans and supplemented their
17 analysis, DDOT has no objection to the
18 project.

19 So, I think now is there any other
20 government agency represented here?

21 Okay. Then Commissioner Skolnik,
22 we're ready for the ANC report.

23 MR. SKOLNIK: Good evening,

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2 Commissions, Madam Chair.

3 My name is Max Skolnik. I'm the
4 ANC Commissioner for 6D-01, representing the
5 neighborhood in which Marina View Towers is
6 located.

7 I am testifying on behalf of
8 Advisory Neighborhood Commission 6D and I urge
9 you to give great weight to our concerns.

10 In exchange for the support of
11 ANC-6D, Fairfield LLC has agreed to the
12 following community benefits. And in the
13 interest of brevity, I won't go through them
14 because I think we're all familiar. Just to
15 say that the condominium discount purchase
16 which we feel is the most important and
17 critical -- is the most important and critical
18 and that our support would be affected if this
19 benefit is removed to any negative condominium
20 conversion vote.

21 On February 12th, 2007, at the
22 monthly meeting of the currently six member
23 Advisory Neighborhood Commission 6D, in which

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2 a quorum was present, all six members were in
3 attendance. We voted unanimously six to zero
4 to support Fairfield Residential LLC's Planned
5 Unit Development application, Zoning
6 Commission Case No. 05-38 with the following
7 reservations.

8 Setbacks. We believe that the
9 setbacks of the newly constructed buildings
10 along M Street, S.W., should be consistent
11 with and equivalent to the setbacks approved
12 or to be approved for the neighboring
13 Waterfront Mall, and in no event, less than 22
14 feet from the curb line.

15 We feel this action is necessary
16 to minimize nearby residents loss of views,
17 open space and light. We strongly believe
18 that a cohesive neighborhood and streetscape
19 need to be maintained given the high volume of
20 development expected along this corridor.

21 It is in the interest of all
22 businesses and residents that pedestrian
23 traffic and esthetic views are unimpeded. We

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2 do support the approval of the PUD unless
3 Fairfield Residential has satisfied this
4 requirement.

5 Business Status. At the February
6 2007 ANC meeting representatives from the D.C.
7 area office of the rental administrator
8 presented information on the business status
9 of Fairfield Residential LLC. ANC-6D and the
10 community to be assured that Fairfield
11 Residential LLC is qualified to do business in
12 the District of Columbia, has executed all the
13 proper documentation and is in good standing
14 in regards to all filings and fines, which we
15 understand are still outstanding.

16 We do not support the approval of
17 this PUD unless Fairfield Residential LLC has
18 satisfied these requirements.

19 Other Issues of Concern Including
20 Density.

21 ANC-6D recognizes that these two
22 buildings are more than double density of the
23 property. We are concerned that the balance

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2 of our economically mixed neighborhood will be
3 altered significantly by the addition of new
4 high-priced rental units that the developer
5 has already told us will range in the price
6 from \$1,000 to \$4,000.

7 We are committed to maintaining
8 the historic race and class diversity of the
9 Southwest community.

10 Tenant Issues. A critical
11 component of this project is the safeguarding
12 of the current tenants' rights. We need to
13 insure that the requirements of these long-
14 time residents are fully addressed. The
15 tenants should be provided with every
16 opportunity under the law to exercise their
17 rights, which according to the office of the
18 rental administrator has not been the case at
19 this point in the process.

20 We are also concerned that the
21 Applicant will be a short-term owner and that
22 their intention is to transform the property
23 into a real estate investment trust soon after

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2 the conversion and renovation is complete.

3 We need to be assured that if the
4 tenants vote not to convert the proposed \$3.2
5 million housing benefit is not lost.

6 We urge the Commission to protect
7 the tenants throughout this process including
8 assistance with the convening of a condominium
9 conversion vote and written assurance
10 concerning rights should they wish to stay in
11 the residence.

12 Open Space. Given the loss of
13 open space with the closing of the parking
14 lots, ANC-6D believes that the Great Lawn and
15 other landscape areas should be accessible to
16 the general public who are increasingly
17 loosing open space such as Myant Realty's
18 removal of public gardens along 4th Street and
19 being walled off from open areas through
20 Southeast.

21 LLED certification, given new
22 construction standards in place throughout the
23 District, the ANC strong supports a high level

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2 of LLED certification for this PUD which I
3 thank you for bringing up during your
4 questioning.

5 I ask you to please -- to strongly
6 consider the objections that ANC-6D has to
7 this PUD and urge the Commission to give great
8 weight to our concerns.

9 Thank you for your time.

10 CHAIRPERSON MITTEN: Thank you.

11 I just want to make something
12 clear so that there's no confusion about it.

13 We give great weight to land use
14 issues and issues of other matters that are
15 enforceable by DCRA and so forth are not
16 within the purview of the Zoning Commission.
17 I just wanted you to understand that.

18 Did you have any specific
19 conversations with the Applicant regarding the
20 setback -- the setback along M Street?

21 MR. SKOLNIK: We've had a
22 conversation at our last meeting this was
23 discussed. Yes. But during the formal

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2 community benefit, this issue was not brought
3 up.

4 CHAIRPERSON MITTEN: And your last
5 meeting was when?

6 MR. SKOLNIK: In February 12th.

7 CHAIRPERSON MITTEN: Okay.

8 Questions from the Commission?

9 Mr. Hood?

10 VICE CHAIRMAN HOOD: Yes.
11 Commissioner, you've heard during the
12 presentation about the Great Lawn. I think
13 you asked -- might have asked a question. But
14 anyway I'll ask the question anyway.

15 And in your submittal here you
16 said 6D believes in the Great Lawn and other
17 landscape areas should be accessible to the
18 general public.

19 I know you can't speak on behalf
20 of the ANC. First let me ask this. Is this
21 yours in the single district?

22 MR. SKOLNIK: Yes.

23 VICE CHAIRMAN HOOD: Okay. Did

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2 you have a single district meeting? I mean,
3 it's not required by law but did you have one?

4 MR. SKOLNIK: Not to discuss this
5 issue.

6 VICE CHAIRMAN HOOD: So, you
7 pretty much talked to your constituents?

8 MR. SKOLNIK: Yes.

9 VICE CHAIRMAN HOOD: Okay. From
10 what you heard tonight, you know this is not
11 being open to the general public? Right? It
12 still hasn't -- anymore conversation on that
13 or do you stick with what you say here being
14 walled off from open space and areas
15 throughout? That doesn't dictate whether you
16 support it or not?

17 MR. SKOLNIK: That's not one of
18 the two --

19 VICE CHAIRMAN HOOD: Okay.

20 MR. SKOLNIK: -- issues that, you
21 know, we are strictly speaking about. It's an
22 area of concern that we're very interested in
23 maintaining open space.

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2 VICE CHAIRMAN HOOD: So, your
3 question was answered at least as far as the
4 Great Lawn?

5 MR. SKOLNIK: Yes.

6 VICE CHAIRMAN HOOD: Fine. Thank
7 you.

8 Thank you, Madam Chair.

9 CHAIRPERSON MITTEN: Any other
10 questions? Do you have any questions?

11 COMMISSIONER TURNBULL: Well, I
12 guess the only question was, I guess, do you
13 understand on the presentation that Mr.
14 Esocoff presented on M Street where the lines
15 are?

16 MR. SKOLNIK: Yes.

17 COMMISSIONER TURNBULL: The 22
18 feet? I mean, it depends upon how you
19 interpret that and how you look at it. Do you
20 feel still comfortable with what he presented
21 then?

22 MR. SKOLNIK: We are very much in
23 favor of this 22 feet standard. And I don't

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2 think that's being met by the current
3 setbacks.

4 COMMISSIONER TURNBULL: So, then
5 that says that --

6 MR. SKOLNIK: That's we're not.
7 Would not support. Correct.

8 COMMISSIONER TURNBULL: You're not
9 supporting it?

10 And I guess you've heard the
11 argument. You've heard also the discussion by
12 the Office of Planning that M Street at this
13 area is larger than any other area on M Street
14 and it is significantly wide, the street is.
15 So, I'm just wondering if you understood that
16 in your consideration and realize the width of
17 the street there and the implications of what
18 they're trying to do along there.

19 MR. SKOLNIK: To speak for the ANC
20 and this is what we discussed at our meeting
21 which we voted upon this, it was agreed by the
22 ANC members that this just was not a
23 sufficient setback, that this was not in line

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2 with the waterfront project and that this was
3 detrimental to the views and to the general
4 enjoyment of other residents in the area.

5 COMMISSIONER TURNBULL: Okay.

6 Thank you.

7 CHAIRPERSON MITTEN: Mr. Tummonds,
8 any questions?

9 MR. TUMMONDS: No questions.

10 CHAIRPERSON MITTEN: Okay. Thank
11 you, Commissioner.

12 All right. Now, before we go into
13 organizations and individuals, there were a
14 number of people that came in after we swore
15 folks in. So, if there is anyone who came in
16 after the swearing in and you plan on
17 testifying this evening, I'd ask you to stand
18 up and be sworn now.

19 Raise your right hand and direct
20 your attention to Mrs. Schellin.

21 (Witnesses sworn.)

22 CHAIRPERSON MITTEN: Thanks.

23 So, let's start, since we have

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2 Tiber Island Cooperative Homes in general
3 support and we're giving them 15 minutes,
4 let's start with them.

5 Go ahead, Mr. Greenberg.

6 MR. GREENBERG: Good evening,
7 Madam Chair, Members of the Commission.

8 My name is Paul Greenberg. I'm
9 the President and Member of the Board of Tiber
10 Island Cooperative Homes. I'm also a resident
11 of the building at 430 M Street, S.W. I
12 happen to be one of the residents who will be
13 directly affected by this particular property.

14 I appear individually and on
15 behalf of Tiber Island and its residents and
16 shareholders.

17 Tiber Island Co-op is a 389 unit
18 housing cooperative on the south side of M
19 Street, S.W., between 4th and 6th Streets.
20 The Tiber Island complex which includes both
21 the cooperative and the Tiber Island
22 Condominiums, and I am not representing the
23 condominiums this evening.

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2 The condominiums are a group of
3 town houses on the perimeter of the block.

4 The property was built between
5 1964 and 1966. At the time, it received an
6 award for design excellence from the American
7 Institute of Architects.

8 As I mentioned, we immediately
9 faced the Marina View Towers complex. In my
10 particular case, the building that's closest,
11 the north building at Tiber Island actually
12 the apartment units are oriented west. So, we
13 would actually see the new property, the new
14 buildings only from our balconies. However,
15 the west building at Tiber Island faces north
16 and will completely be viewing the proposed
17 property.

18 So, we have a fairly dramatic
19 impact on the current views from our property.

20 Tiber Island was constructed as
21 part of the Southwest Urban Renewal Project
22 which is recognized as the nation's premier
23 example of mid-20th century modernist planning

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2 and a likely candidate for historic district
3 status.

4 The southwest plan reflected a
5 conscious effort to break with the development
6 pattern of the rest of the city which
7 typically consists of streets lined with
8 buildings. The neighborhood includes projects
9 designed by many of the premier local,
10 national and international architects of the
11 era.

12 As modernism comes into renewed
13 focus as an important architectural movement,
14 a complete and coherent modernist neighborhood
15 in Southwest can become a significant
16 destination, holding significant value for the
17 District of Columbia. In many respects, the
18 Southwest neighborhood's reputation as a
19 showcase for modernist architecture is
20 analogous to Miami Beach's status as the
21 exemplar of art deco architecture.

22 Architectural tours of the
23 Southwest neighborhood already are common and

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2 increasing numbers of young people have moved
3 into the neighborhood primarily because of
4 their interest in modernism and modernist
5 architecture.

6 The state historic preservation
7 office has commented to community leaders that
8 it anticipates the neighborhood will be
9 designated a historic district at some point
10 in the not too distance future. And even
11 without the formal designation, I would note
12 that the National Park Service already has
13 documented comprehensively the historic
14 quality of the neighborhood by publishing one
15 issue of the Historic American Building Survey
16 which is entitled The Southwest Washington,
17 D.C. Urban Renewal Area.

18 This is a HAB study and we are
19 submitting this as an attachment to our
20 testimony.

21 Southwest is a neighborhood
22 designed to provide a very different urban
23 experience from older portions of the city.

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2 The urban renewal area includes a mixture of
3 high rise and low rise structures. The large
4 high rise buildings of Tiber Island and many
5 other Southwest complexes including the
6 existing Marina View Towers property are
7 oriented perpendicular to the neighborhood's
8 main thorough fares, thereby creating vistas
9 into the center of the block and beyond.

10 The result is a densely populated
11 neighborhood that is unparalled for its vistas
12 and its abundance of open space, trees and
13 light. The all glass I.M. Pei designed
14 buildings at Town Center which is Marina View
15 Towers are perhaps the clearest statement of
16 this desire for transparency.

17 I would emphasize here by the way
18 that what's important about Southwest are not
19 merely the individual buildings, but the urban
20 planning concepts underlining the neighborhood
21 and that's probably the most significant part
22 of the neighborhood itself and its quality.

23 If the very features that make the

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2 neighborhood so beautiful for those of us who
3 live there, also pose the greatest threat to
4 its preservation. For the most part, the
5 design requirements for the community under
6 the Urban Renewal Plan, limited buildings to
7 occupying only 30 percent of the total land
8 area at each site. Thus, major residential
9 projects in the community technically are
10 undeveloped under current zoning standards.
11 And the large tracts of open space and low
12 rise buildings on each property serve as
13 attempting invitation for rampant in-fill
14 development throughout the community.

15 As the Commission is aware, a
16 major in-fill project was built within the
17 last two years at Capital Park. That's the
18 Monument Realty property. The design, shape,
19 size and materials of the building are
20 inconsistent with the surround architecture,
21 resulting in a truly unfortunate degradation
22 of the integrity of the neighborhood's design.

23 Sadly, the infrastructure has

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2 obliterated a park where President Eisenhower
3 hosted a tour for then Soviet Premier Nikita
4 Khrushchev. At that time, Eisenhower was
5 showcasing the Southwest Urban Renewal Project
6 as a demonstration of the progress the United
7 States was making in eliminating slums.

8 I would note here, by the way, I
9 was a little bit concerned from Mr. Lawson's
10 comment that the Office of Planning is part
11 viewing this particular project with so much
12 favor because it is consistent with the city's
13 policy of promoting in-fill development around
14 residential -- around Metro sites.

15 The entire Southwest neighborhood
16 holds tremendous possibilities for what it
17 might be considered as in-fill developments
18 like this because the neighborhood has so much
19 open space. And we wonder what are the limits
20 of how much more building the city is going to
21 promote on the existing open spaces within the
22 neighborhood?

23 Although there is much that can be

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2 done to improve the Southwest community, we
3 remain very concerned that the leadership of
4 the District of Columbia and its agencies are
5 sanctioning the study of destruction of an
6 important piece of American history in urban
7 design.

8 If the proposed development the
9 Commission is considering this evening was in
10 Georgetown, we believe many more questions
11 would be asked about the project and its
12 design. While we don't minimize the history
13 and charm and Georgetown, there are many
14 Georgetowns in older cities throughout the
15 United States.

16 However, there is really nothing
17 comparable in size and integrity to the
18 Southwest Urban Renewal area and its modernist
19 architecture and plan.

20 A bold and audacious public
21 private partnership that sought to harness
22 contemporary urban planning and design and
23 create a new living environment for working

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2 class Americans. The time really is overdue
3 for city leaders to recognize the treasure
4 that the neighborhood represents and the
5 danger it is facing from redevelopment.

6 It would sad indeed for the
7 current leadership of the Office of Planning
8 and this Zoning Commission to be remembered as
9 the officials who presided over the
10 destruction of this unique and irreplaceable
11 moment in urban planning and architectural
12 history.

13 With specific regard to the Marina
14 View Towers proposal, Tiber Island Coop does
15 not oppose some additional development at the
16 site. The existing surface parking lots are
17 unattractive and the opportunity to add retail
18 space to the neighborhood is appealing.
19 However, we reject the proposition that the
20 site is appropriate for massive high-rise
21 apartment buildings lining M Street and K
22 Street.

23 The addition of buildings two to

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2 three stores in height erected over the
3 parking lot would be compatible with the
4 existing pattern of development throughout the
5 neighborhood, which has taller which has
6 taller buildings such as the I.M. Towers, I.M.
7 Pei Towers, surrounded by lower structures
8 such as town houses or even low-rise
9 commercial spaces.

10 In our view, such lower scale
11 development would preserve the Pei buildings
12 as the centerpiece for the property and
13 probably represent a solid improvement to the
14 neighborhood.

15 In addition, this lower scale
16 development would match the town houses that
17 line the south side of M Street in their size.
18 We would applaud such a development.

19 I would add here that in the
20 discussion of -- now the discussion about the
21 setback from M Street, the 18 feet versus the
22 22 feet and the concern about the vest pocket
23 parks.

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2 What this really does point to now
3 it's a false trade off because it begins with
4 the presumption that these buildings are
5 supposed to be built of this size on this
6 property. I mean, the underlying problem is
7 that the buildings are too big for the
8 property. I mean, if the buildings were
9 redesigned and downscaled, you could have a 22
10 foot, you know, setback from the curb and you
11 could still have a nice park in the middle.
12 And the kind of distance from the Pei
13 buildings that Mr. Esocoff thinks would be
14 desirable. The only problem is that the
15 developer seems to be assuming that only
16 buildings of this scale can be built at the
17 property. And we reject that.

18 If the district planner and this
19 Commission are committed to the ill-advised
20 proposal to allow dramatically increased
21 density on this particular site, we urge the
22 Commission to direct the developer to submit
23 a new PUD proposal that would reconfigure the

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2 project in several respects.

3 The current plan calls for a solid
4 impetrable structure lining the north side of
5 M Street. The building would be set back only
6 18 feet from the curb and would rise to 112
7 feet in height.

8 In our conversations with the
9 developer, we were advised that this
10 configuration specifically was urged by the
11 Office of Planning. If implemented in this
12 manner at the Marina View Towers site, the
13 result will be a structure completely at odds
14 with the underlying scheme of the existing
15 neighborhood, needlessly restricting views and
16 producing a streetscape that will resemble the
17 mind-numbing mediocre structure already rising
18 near the Navy Yard.

19 Tiber Island Cooperative will be
20 directly affected by the proposed development
21 which will block vistas from our buildings
22 that were part of the original Southwest plan.

23 Very simply, we believe the

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2 planning assumptions underlying the towers as
3 proposed reflect poor design choices and
4 should be altered as part of this PUD process.

5 Generally, if the building -- if
6 the District is to allow large buildings at
7 this site to be constructed. Again, we
8 generally oppose that proposition. But if
9 it's going to be that big, it would be
10 preferable to shrink the footprint of the
11 buildings above the ground floor level in
12 favor of making the buildings taller. We
13 realize that that may not be what this
14 Commission has been saying to the developer.
15 But we think if the buildings are going to
16 have to be really big, might as well make them
17 tall so that you can see around the buildings.

18 This would be more consistent with
19 the tower pattern of the existing neighborhood
20 and would improve sight lines around and
21 through the property.

22 At the proposed size of 112 feet,
23 no one in the building will be able to see

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2 past these buildings anyway. If the buildings
3 are built taller and have a more compact
4 footprint, these people will be able to see
5 around the buildings. So, if the Commission
6 is going to approve a project at the scale
7 proposed, we suggest it would be preferable
8 for the buildings to rise to the maximum 130
9 feet height allowed under the city law if such
10 increased height would make it possible to
11 reduce significantly the horizontal mass of
12 the buildings as they line M Street and K
13 Street.

14 In summary, we believe the
15 following changes need to be made to the
16 proposed PUD.

17 First, we believe the overall size
18 of the project really should be reduced
19 substantially. The structures built over the
20 parking lots on M Street and K Street should
21 be limited to 30 feet in height. That would
22 be a very different project from what's being
23 proposed. We recognize that, but that

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2 actually is what would be consistent with the
3 neighborhood as a whole and would preserve the
4 views from the Pei buildings and it would
5 preserve views for the rest of the people in
6 the neighborhood and would be an appropriate
7 density.

8 If that's not going to be the
9 case, or actually under any circumstances, the
10 entire construction along M Street should be
11 setback a minimum 22 feet from the curb for
12 the current proposed design for Waterside
13 Mall. It makes no sense for the visual
14 expanse of M Street to narrow as it approaches
15 the river which is what this developer is
16 proposing. If anything, the setback of the
17 buildings from the street should increase as
18 M Street approaches the river and Arena Stage
19 to provide appropriate views to pedestrians.

20 At the ground level, we don't
21 object to lining M Street with retail and
22 lobby space from corner to corner as proposed
23 by the developer. This would apply to the

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2 first 20 to 30 feet of height along M Street
3 itself which is roughly incomparable to the
4 height of the town houses along the south side
5 of M Street.

6 However, as I said before, if the
7 Commission is going to consider approving
8 construction of high-rise buildings as part of
9 the PUD, the horizontal length of the
10 buildings above the 30 foot height should be
11 shortened in favor of adding additional height
12 to the structures. In the height versus width
13 debate, Tiber Island believes taller towers
14 with a more compact floor plan are preferable
15 to a sprawling 112 foot high wall of building
16 that will go from corner to corner.

17 Taller buildings with a more
18 compact footprint would improve everyone's
19 ability to see beyond the structures, would
20 improve the neighborhood's ability to see and
21 experience the Pei structures and the expanded
22 Arena Stage property. It would also improve
23 the sight lines from the Pei buildings

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2 themselves so that more people within the Pei
3 buildings will be able to see the river which
4 is how the property was designed.

5 In addition to improving the sight
6 line through the neighborhood, taller and more
7 compact buildings would offer significant
8 advantages to the developer and the District.
9 Apartments on high floors produce
10 substantially higher rents, thus increasing
11 the value of the property and increasing the
12 city's property tax revenue.

13 In addition, if the upper floors
14 of the new towers were set back from 6th
15 Street which is where we are suggesting the
16 trade-off would be that there would be frankly
17 probably the first 30 or 40 feet along --
18 between the corner of 6th and M and the
19 building would be a one-story building.

20 The corner retail areas of the new
21 buildings at 6th Street could be improved and
22 enlivened significantly by increasing their
23 ceiling heights and adding amenities such as

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2 roof top level dining facing Arena Stage and
3 the river. Reducing the footprint of the new
4 buildings also would help retain the sight
5 lines to the river from the residential units
6 and the Pei structures as I mentioned.

7 Finally, we suggest that approval
8 of the proposed PUD should include a
9 requirement that the design of any buildings
10 on the site be in a modernist style compatible
11 with the surrounding community and that the
12 design be subjected to review and approval by
13 an independent panel of architects designated
14 by the Commission.

15 Additionally, while Tiber Islands
16 primary reservations about the proposed Marina
17 View towers project relate to its density and
18 design issues, we join with the ANC and other
19 community groups in expressing our concern
20 that the existing residents of the towers be
21 fully protected during the development
22 process.

23 Before you decide to approve this

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2 PUD application, w ask that you consider the
3 modifications which we have suggested here
4 tonight.

5 Thank you.

6 CHAIRPERSON MITTEN: Thank you
7 very much.

8 Questions from the Commission?

9 Anyone have questions for Mr.
10 Greenberg. Any questions?

11 Mr. Hood?

12 VICE CHAIRMAN HOOD: I would just
13 say and I'm looking here. I think, Mr.
14 Greenberg, you have a good point. I'm going
15 to ask this question again about the setback.

16 As we get to the river, we should
17 be able to see and I think you have a good
18 point there. I can't remember what case it
19 was. We had a case previously and I remember
20 raising that issue. But just wanted to make
21 that a note.

22 But let me ask you. You mentioned
23 -- elaborate on your summary on page 3 for me

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2 on number one. Overall size of the project
3 should be reduced substantially. Structures
4 built over the parking lots on M Street and K
5 Street should be limited to 30 feet in height?

6 MR. GREENBERG: That's what we're
7 suggesting. That would be consistent with the
8 pattern in the rest of the neighborhood. I
9 mean, there is no property in the neighborhood
10 that is completely populated with high-rise
11 buildings.

12 Under the original Southwest Plan,
13 the neighborhood we reconfigured into super
14 blocks. Every super block was put out for
15 design competition. The requirements of the
16 competition were a mixture of high-rise and
17 low-rise buildings which would preserve vistas
18 throughout the neighborhood. And that's
19 really the glory of Southwest.

20 You know, it's difficult when we
21 talk to city officials because the Office of
22 Planning and many other city officials seem to
23 have viewed Southwest for a long time as a

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2 failed neighborhood.

3 What's failed in Southwest is the
4 commercial development. And I don't know
5 anybody in Southwest that is not looking
6 forward to the redevelopment of Waterside Mall
7 if it can be done well.

8 The residential properties are
9 spectacular. These are some of the finest
10 places to live in the entire city. And, you
11 know, the irony for us is that what we are
12 hearing is that the Office of Planning is
13 encouraging developers to build a model. You
14 know, basically, you know, corner to corner,
15 112 feet high, just like the rest of the city.

16 Well, that may work in the rest of
17 the city. We have a neighborhood that's going
18 to be an historic district at some point that
19 rejected that whole concept. Nothing in the
20 neighborhood looks like that.

21 I don't fault this particular
22 developer and architect for designing this
23 property that way because those were all the

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2 signals they were getting from the city
3 government itself, but it's a bad design.
4 It's inconsistent with the character of the
5 neighborhood. It's completely devoid of
6 contextualism.

7 There's no effort on the part of
8 this particular development, at least as it
9 faces south toward us, to have any kind of
10 compatibility with what it confronts on the
11 south side of the street.

12 And from our perspective, you
13 know, we have one entire group of residents,
14 probably 80 apartments, that are going to be
15 facing this property, you know, four square.
16 They currently look at the Pei buildings. The
17 buildings that are going to be built under
18 this proposal are taller than the Pei
19 buildings, they're wider than the Pei
20 buildings and they're closer than the Pei
21 buildings. It's a very dramatic change in
22 what the neighborhood is going to look like
23 for us.

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2 Even for those of us who face
3 west, you know, those of us in the north
4 building at Tiber Island that face toward the
5 river, you know, from our balconies we can see
6 over the corner of the lot at Marina View
7 Towers. We see the Washington Monument.
8 That's a pretty nice view. We're not going to
9 see it anymore after this.

10 VICE CHAIRMAN HOOD: I think I got
11 enough. I think you're answering the question
12 again.

13 At this point, it makes no sense
14 for visual expansion on M Street to narrow as
15 it approaches to the river. I may want to
16 follow up with that with the Office of
17 Planning as opposed to the Applicant.

18 Thank you.

19 MR. GREENBERG: Sure. Thanks.

20 CHAIRPERSON MITTEN: Any other
21 questions for Mr. Greenberg?

22 Mr. Tummonds, any questions?

23 MR. TUMMONDS: Mr. Greenberg are

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2 you familiar with the Office -- the Historic
3 Preservation's office's October 6, 2006, staff
4 report regarding this project?

5 MR. GREENBERG: I actually have
6 not review it.

7 MR. TUMMONDS: Okay. Well, you're
8 aware that the Historic Preservation office
9 reviewed this project with regards to its
10 compatibility with a proposed Southwest
11 Historic District?

12 MR. GREENBERG: Well, let me tell
13 you what the Historic Preservation is telling
14 us.

15 You know, the feedback that we're
16 getting from the Historic Preservation office
17 is that they recognize that until an historic
18 district is stasured, the city -- they have
19 very little ability to really control the
20 quality of the development. And I think that
21 their view is as they've articulated it to me,
22 that this is a better development than what
23 might be built as a matter of right by some

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2 other developers. And, frankly, I think even
3 we would concede that.

4 Mr. Esocoff is a talented
5 architect and there are a number of features
6 of this project that are very attractive.
7 But, you know, I guess we disagree. They
8 haven't had a conversation with us and I don't
9 know that the Historic Preservation office has
10 spoken with the rest of the folks in the
11 neighborhood.

12 MR. TUMMONDS: But more
13 importantly they held a public hearing. They
14 produced a staff report which stated and I
15 quote. "In sum, the staff finds the concept
16 design both extremely thoughtful and highly
17 successful as compatible design in its
18 context. It should serve as a real model for
19 how to integrate substantial new construction
20 within the Southwest environment."

21 More importantly then, the
22 ultimate recommendation of the Historic
23 Preservation staff and which was adopted by

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2 HPRB was that the Board endorsed the concept
3 plan for the Marina View project as compatible
4 with the historic character of the I.M. Towers
5 and a potential Southwest Historic District.

6 So, you think that again you don't
7 believe that the Historic Preservation Office
8 and HPRB has reviewed this project in context
9 with a potential Southwest Historic District?

10 MR. GREENBERG: Personally, I
11 don't. And I'm not sure that the people at
12 Tiber Island would accept that view and I'm n
13 to sure that other people in Southwest would
14 accept the view.

15 CHAIRPERSON MITTEN: Fair enough.

16 MR. TUMMONDS: No further
17 questions.

18 CHAIRPERSON MITTEN: Thank you,
19 Mr. Tummonds.

20 Commissioner Skolnik, did you have
21 any questions for Mr. Greenberg? Okay.

22 Thank you very much.

23 Now, I will go through the witness

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2 list for those in support first and then
3 anybody who didn't sign up will get you before
4 we finish out.

5 Sarah Peters.

6 MS. PEDEN: Sarah Peden actually.

7 CHAIRPERSON MITTEN: Peden. Oh,
8 I'm sorry.

9 MS. PEDEN: That's all right.

10 CHAIRPERSON MITTEN: Clarence
11 Brown. Guy Bergquist. Don't forget to drop
12 those cards off with the Court Reporter on
13 your way up. Lea Adams.

14 UNIDENTIFIED PERSON: Are you
15 mixing organizations and individuals?

16 CHAIRPERSON MITTEN: Yes. We're
17 just putting a panel together of those in
18 support.

19 Let's start with Ms. Peden then.

20 MS. PEDEN: My name is Sara Peden.
21 I have been a tenant at Marina View Towers for
22 nearly four years and I a friend that lived
23 there a year before, so I've actually been

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2 spending a good amount of time in that
3 building for the last five years.

4 I am an architect by profession.
5 I have done multi-family residential projects
6 myself. I have utmost respect for the design
7 of this project. I feel that the context has
8 been very successfully addressed in the
9 overall design. I think it addresses not only
10 the historical character of the neighborhood.
11 It truly plays well with the I.M. Pei
12 buildings. There's great deference given.

13 I was a person who was very
14 hesitant to support a proposed development on
15 the project site, my home, until these
16 developers came along. They have done a
17 terrific job reaching out to the tenants.
18 They have been very consistent in sharing
19 information with us, soliciting our opinions,
20 our interest. Really why there is even going
21 to be an condo option is because a significant
22 number of us actually expressed interest in
23 becoming homeowners. And they wanted to

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2 support their tenants.

3 And all across the board everyone
4 at Fairfield refers to us as their tenants.
5 It's very much a relationship they see as not
6 being antagonistic but actually very much a
7 partnership and us being true partners with
8 them.

9 I feel that the setback is
10 actually quite appropriate with the
11 neighborhood. There was a lot of discussion
12 of talking -- going on about opening the view
13 port or up as it gets closer to the river.
14 And what I would like to propose is that if
15 you look on an urbanistic standpoint, it
16 actually already does that. And four feet
17 really is not going to make that much of a
18 difference because the road itself expands out
19 as it gets towards the river. So, there's
20 already a 30 foot, you know, greater distance.
21 And I think that our project actually does
22 need to be closer up to the sidewalk to
23 really create that strong interplay and an

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2 urbanistic standpoint that I think actually
3 was something that the Office of Planning and
4 also the tenants are very interested in
5 having.

6 I think it does a strong use of
7 both the scale and the opportunities of the
8 development in a residential standpoint. And
9 in the context of the commercial development
10 I think that they have done a good job
11 reaching out and providing potential amenities
12 not only to the tenants but also to the
13 overall neighborhood.

14 I would like to point out that
15 there's been a lot of discussion about who
16 would have access to like the Great Lawn.
17 Right now it's a swimming pool that is gated
18 and actually the tenants even only have an
19 opportunity to use that space during the
20 summer between Memorial Day and Labor Day.
21 And so it's a significant benefit to the
22 tenants even just to have that as spaces open.

23 There's also been discussion about

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2 having the context of towers taking over the
3 space. What I'd like to propose is that
4 actually it's a very strong use of ugly, not
5 very used space right now. I think that
6 actually the urban character has been broken
7 down because the parking lots. And that the
8 towers still remain as towers but there is
9 also enough open space that allows them to
10 breathe and I think does address the context
11 and scale of the neighborhood.

12 CHAIRPERSON MITTEN: Thank you
13 very much.

14 Mr. Brown.

15 MR. BROWN: Members of the Zoning
16 Commission. My name is Clarence Brown and I'm
17 President of Armidon Elementary School Parent
18 Teacher's Association. I'm on the faculty and
19 staff at Howard University. I'm a resident of
20 Southwest Washington and ANC-6D since 1992.
21 And also a candidate for ANC Commission 6D-03.

22 I appreciate the opportunity to
23 speak in support of Fairfield Residential

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2 Planned Unit Development and Zoning Map
3 Amendment Application.

4 The application that you consider
5 this evening is about a lot more than building
6 and renovation architectural concept.

7 Although a quality design would
8 reflect the character of our neighborhood and
9 preserve this historic element is important
10 and we salute the FEO for preserving the two
11 and bringing an original landscape architect
12 to design the proposed landscape gardens
13 certainly preserving history is important.

14 But this project is more than
15 bricks and mortar. It's about people's lives
16 and several Amidon Elementary School families
17 live at Marina View Towers and in the
18 neighborhood and we want to insure that this
19 develop contributes to the quality of life of
20 all.

21 I must first acknowledge that
22 Fairfield has done a good job of engaging the
23 community in keeping residents informed about

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2 their plans. They gave several presentations
3 to Southwest Neighborhood Assembly. I
4 attended that meeting, the ANC-6D meeting and
5 a local homeowner association.

6 Second, in reviewing Applicant's
7 community amenities package which certainly
8 amidon would benefit from but which is not
9 alone and the reason for my support for this
10 project, seem to have looked for ways to
11 preserve homes and for our parents and
12 students.

13 The plans are for current
14 residents an option to stay and continue
15 living at Marina View Towers as renters or a
16 chance to become homeowners and this is good
17 because it retains existing District residents
18 to provide homeowners an opportunity to create
19 housing for new residents as well.

20 The Commissioners and families of
21 Amidon Elementary School reflect the incoming
22 culture and diversity of a larger Southwest
23 neighborhood. We feel that Fairfield is a

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2 developer who has shown a value to this
3 diversity and has sought to retain it.

4 Certainly we are pleased with the
5 unique design of the building which
6 compliments the size, scope and scale of the
7 new development in the neighborhood. And we
8 look forward to the neighborhood serving
9 retail, sit-down restaurant and access. But
10 the reason that we're supportive of the
11 Applicant proposal before the Zoning
12 Commission tonight is because Fairfield is
13 working to create housing for future Amidon
14 Elementary School families while preserving
15 housing for existing families and this is the
16 bottom line. We ask the Zoning Commission to
17 approve the application.

18 Thank you.

19 CHAIRPERSON MITTEN: Thank you,
20 Mr. Brown.

21 Mr. Bergquist.

22 MR. BERGQUIST: Bergquist. Right.

23 Chairperson Mitten and Members of

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2 the Zoning Commission.

3 My name is Guy Bergquist. I'm the
4 Facility Project Director for Arena Stage. I
5 come before you this evening to testify in
6 support of Fairfield Residentials Planned Unit
7 Development and Zoning Map Amendment
8 Application.

9 Others this evening will attest to
10 Fairfield's qualities as a corporate citizen
11 and its community amenities package which
12 supports education, the park and library in
13 our Southwest neighborhood.

14 Civil leaders and Marina View
15 tenants will report on the extensive effort
16 the developer has made to engage its tenants
17 and the community in this process.

18 What I am here to talk about is
19 Fairfield's role as a corporate neighbor to
20 Arena Stage. Marina View Towers is located
21 directly across the street from Arena. We
22 want to insure that what is developed
23 compliments the extraordinary design plan for

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2 the Arena Stage renovation and expansion,
3 albeit, a spaceship.

4 We have reviewed Fairfield's plans
5 and applaud their architectural design. The
6 unique articulation of the new north and south
7 buildings add graceful design to the corner of
8 6th and Main. And through the use of glass
9 and light, add a special accent to the Arena
10 Stage destination.

11 In addition to these design
12 features, we welcome the sit-down restaurant
13 planned for the street level in the retail
14 component of the South Tower. Having a
15 restaurant in such close proximity to our
16 theater will enhance the entertainment
17 experience of our audience.

18 Fairfield's proposal addresses
19 another key issue for the neighborhood --
20 parking. Those of you have been to Arena
21 Stage know that parking can be quite a
22 challenge. Fairfield's plan to construct two
23 underground garages will be a welcome

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2 addition. These garages will offer a place to
3 park for tenants, condo owners restaurant
4 clientele and hopefully for a few Arena Stage
5 patrons as well.

6 I truly believe that the Board,
7 audience and staff of Arena Stage will benefit
8 from Fairfield's proposed redevelopment of
9 Marina View Towers and we wholeheartedly
10 recommend your approval.

11 Thank you.

12 CHAIRPERSON MITTEN: Thank you.

13 Ms. Adams.

14 MS. ADAMS: Good evening, Madam
15 Chair.

16 CHAIRPERSON MITTEN: Just pull
17 that mike a little bit over.

18 MS. ADAMS: I'm sorry. Yes.
19 Excuse me.

20 CHAIRPERSON MITTEN: Thank you.

21 MS. ADAMS: Good evening, Madam
22 Chair, and Members of the Zoning Commission.

23 My name is Lea Adams and I live in

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2 an apartment at 1100 6th Street, S.W.

3 I'm honored to serve my fellow
4 tenants as president of Marina View Towers
5 Tenants Association, Inc., a D.C. nonprofit
6 corporation in good standing.

7 It is in that capacity that I come
8 before you today. Since I won't be afforded
9 my three additional minutes as an individual,
10 I will try to identify any personal
11 perspectives I may say as such.

12 Our association represents a
13 majority of residents who live in the 141
14 occupied units at 1000 and 1100 6th Street,
15 S.W., a 255 unit, eight story, two building
16 rental property known as Marina View Towers.

17 At a meeting held on January 28th,
18 2007, it was the unanimous decision of our six
19 member board of directors to support the
20 Planned Unit Development, a planned use
21 development and zoning map amendment
22 application of Fairfield Residential LLC,
23 which owns and manages the property.

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2 I will explain in my testimony the
3 reasons for our support as well as outstanding
4 concerns and contingencies affecting it.

5 My primary purpose as tenant
6 association president is to insure that the
7 needs and interests of all our tenants are
8 addressed as fully as possible. This has been
9 a special challenge in the 15-months since
10 Fairfield announced its redevelopment plans
11 shortly after we learned to our great
12 disappointment, by the way, of the sale of the
13 building without prior notification to
14 residents by the previous owner.

15 Like tenants throughout the
16 District, we were dismayed to learn that the
17 sale of our home was among what are commonly
18 referred to as 955 transactions and that TOPA
19 rights would not apply. Although the sale
20 took place prior to my tenure, I did lead
21 efforts to have it overturned without success
22 and I want to note that for the record.

23 Once we accepted our defeat,

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2 however, our already diverse apartment
3 community became compartmentalized into three
4 basic groups based on aspirations and intent.

5 First, those who wish to continue
6 renting at Marina View into the foreseeable
7 future. Second, those who welcome an
8 opportunity to purchase condos. And, third,
9 those who are prepared to relocate given the
10 right incentive to do so.

11 It was with this in mind that the
12 members of our tenant association board, whose
13 individual plans fit by the way into all three
14 categories considered Fairfield's request for
15 our support at this hearing.

16 We reached the following
17 conclusions on which we base our support for
18 Fairfield's application.

19 One, Fairfield has been diligent,
20 responsive and for the most part fair in
21 communicating it's plans with tenants
22 individually, in groups and through the
23 association.

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2 Two, while change is difficult and
3 even painful, it is inevitable. The planned
4 design of the two new proposed towers will be
5 a change for the better in terms of preserving
6 the best of historic -- existing historic and
7 neighborhood qualities, providing much needed
8 retail space and planning amenities that are
9 of value to the surrounding community without
10 jeopardizing the privacy, safety and comfort
11 of existing residents.

12 And I might say that the use of
13 the Great Lawn would fall into that category.
14 We're very much opposed to it being open to
15 the public.

16 As I mentioned, our support is not
17 unqualified. Based on conversations with the
18 offices of Lieutenant Advocate, Ward 6 Council
19 Member Tommy Wells and others who have taken
20 an interest in our tenants' best interests, we
21 would like the Commission to hear and consider
22 applying the following conditions to its
23 approval.

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2 First, that Fairfield work with
3 appropriate D.C. government agencies to insure
4 that the letter and spirit of all laws
5 affecting rent control and tenants' rights are
6 supported without exception.

7 Secondly, that Fairfield provide
8 to each tenant as soon as possible a detailed
9 plan for the two existing towers, including
10 timetables, tenant accommodations and
11 specifics about how the planned renovations
12 will be carried out whether or not condo
13 conversion is approved.

14 In closing, Fairfield has assured
15 us that no Marina View Towers tenant will be
16 displaced and that all will retain the right
17 to remain and rent an apartment at Marina View
18 Towers if they choose to.

19 We hope the Zoning Commission will
20 use its good offices to encourage the
21 Applicant to keep its promises. Given these
22 caveats, we urge the Commission to approve the
23 referenced application at its first

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2 opportunity.

3 Thank you for your time and
4 consideration.

5 CHAIRPERSON MITTEN: Thank you,
6 Ms. Adams.

7 Any questions for this panel from
8 the Commission? Any questions?

9 Mr. Tummonds? Commissioner
10 Skolnik, any questions?

11 Sure. Have a seat.

12 MR. SKOLNIK: I just have two
13 questions.

14 In terms of the amenities provided
15 at the PUD, do you feel that these adequately
16 meet the needs of the current residents? Were
17 there things that you felt were left out?

18 MS. PEDEN: I think it actually
19 does not only adequately meet our needs. One
20 of the big concerns with if they're going to
21 take our pool out, what do we get? And in
22 turn we actually get a pool that's just as big
23 that actually we can use year round.

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2 We get a larger gym. We get a
3 backyard. And one of the things we talked
4 about urbanistically is the whole need of
5 being able to not only have, you know, your
6 own private space indoors, but really kind of
7 a private space outdoors where you do have
8 ownership with a community not only at large,
9 but also the community within these four
10 buildings can actually build and interact.

11 We're very lucky right now. We do
12 have a very strong racially socially age --
13 very large differential between the buildings,
14 but there is a strong community there. And I
15 think that the amenities provided are only
16 going to strengthen that.

17 I think that there's been talk
18 about if we lose this public space which
19 really the public space -- the Great Lawn as
20 it is is not actually a public space anyway.
21 I mean, there's already right now a brick
22 wall. It does not appear to be open to the
23 public. It's not used by the public. I have

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2 an apartment that faces it and I only see my
3 own tenants and I know, you know, wandering
4 around outside, is not really an amenity that
5 the public would be losing in any way, shape
6 or form. It's actually just a greater, a
7 stronger opportunity for us.

8 There's also a park right across
9 the street that, you know, if you needed to
10 walk to dog, I do have a dog. We're just
11 going to go out one door, we're going to go
12 out the other and let, you know, use the
13 facilities on the other side and go back from
14 there. I mean, it's not a big deal for a
15 great construction process. I think it
16 actually does a very good job satisfying our
17 needs.

18 CHAIRPERSON MITTEN: Ms. Adams,
19 did you want to add anything to that?

20 MS. ADAMS: I have to add on
21 behalf of the tenants, we are concerned about
22 the non-negotiable nature of the proposed
23 discount. I say we. I don't mean the board.

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2 I'm speaking now for the majority of the
3 tenants from whom we've heard. And I'm
4 guessing now that would be maybe 30 or 40
5 people who have expressed a concern that the
6 buy out is very fair and reasonable, that the
7 accommodations for people who are renting and
8 choose to continue renting are extremely
9 generous. But that the discounts for people
10 who choose to buy condominiums may not be as
11 good as they are.

12 The other concern that people have
13 raised is whether or not all of the apartments
14 in the building that would, you know, if we
15 vote for conversion would become a
16 condominium, that the concern is, will all of
17 those apartments actually be available to
18 existing tenants at the discounted rate or
19 will some of them be set aside for public at
20 a higher sales rate?

21 MR. SKOLNIK: How would you
22 characterize the current communications
23 effort? Is it essentially finished or is

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2 there a --

3 MS. ADAMS: No. It's not
4 finished. It's ongoing. I would characterize
5 it as excellent.

6 MS. PEDEN: I would second that.

7 MS. ADAMS: And I say that as a
8 tenant as well as, I said as if I'm speaking
9 for myself, I say that as a tenant as well as
10 representing the tenants' association.

11 I think any tenant has full access
12 to content -- contact. Graham Brock, for
13 example. And I don't know of many
14 developments where the developer is on site as
15 often as he is and has a cell phone number
16 that he gives to tenants. So, I think that's
17 an excellent access.

18 MS. PEDEN: There's been very
19 strong and very open relationships and we've
20 been honest about our concerns and they've
21 made a very strong effort. You know, the
22 concerns early on, are we going to get to buy?
23 Now we can. The concerns, you know. What

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2 kind of amenities are we going to get? Are we
3 going to have a pool? There's one designed
4 that's better than the one we have.

5 Are we going to have the trees?
6 We're going to have open space? And they
7 really listened and made a very strong effort
8 to address them in a fair and honest manner.
9 And then let us know what they've done and
10 have that dialogue afterwards as well.

11 MS. ADAMS: Actually, there has
12 been some concern expressed by tenants,
13 especially those with families -- with young
14 children that the replacement of an outdoor
15 pool where one can have a family barbecue with
16 an indoor pool where people are doing laps, is
17 not really an equal amenity. And for that
18 reason, they have asked about being able to
19 use the two outdoor pools on the other
20 buildings which I thought I heard the
21 landscape architect from Green say was a
22 replacement for the outdoor pool. But then I
23 heard it said that it was not a replacement

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2 and that it would only be available to tenants
3 of those two buildings. So, to residents of
4 those two buildings.

5 So, I think there's still an
6 outstanding concern about that.

7 MR. SKOLNIK: The last question I
8 had was for Arena.

9 Did you have an expectation of an
10 arrangement for parking or was that -- I mean,
11 was there --

12 MR. BERGQUIST: We haven't gotten
13 into that much detail.

14 We're expanding. We're going to
15 have more parking than we do now but with
16 three theaters running, there's always going
17 to be need. And if it works out for both of
18 us, I think it could be an advantage to our
19 patrons as well as the residents of the area.

20 CHAIRPERSON MITTEN: Thank you,
21 Commissioner. Thanks to the panel.

22 All right. Let's have another
23 panel.

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2 Ahmed Lahjouji. Lisa Burton or
3 Barton. Holly Baker, David Smith.

4 Did you drop off your cards?
5 Thank you.

6 Let's start down here on my right.
7 How badly did I do with your name? Would you
8 turn on the mike for me?

9 MR. LAHJOUJI: You did excellent.
10 Thank you so much.

11 CHAIRPERSON MITTEN: Go ahead and
12 start whenever you're ready.

13 MR. LAHJOUJI: Madam Chair,
14 Members of the Zoning Commission. Good
15 evening.

16 I'll be very brief because
17 everything that I wanted to say has already
18 been said.

19 CHAIRPERSON MITTEN: And just
20 identify yourself for the record.

21 MR. LAHJOUJI: My name is Ahmed
22 Lahjouji. And I live at Marina View Towers.
23 I've been there for about five years.

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2 And I am an engineer by profession
3 and I work for the SEC.

4 I'll try to be as brief as
5 possible, maybe for a minute or two at the
6 max. Essentially, I support Fairfield's View
7 wholeheartedly. I think the building speaks
8 for itself. It's just a piece of beauty. You
9 don't have to be an engineer to really see
10 that. And I think it really strikes the
11 perfect balance between all of the concerns
12 that have been raised here.

13 And as far as Fairfield the
14 ability to reach out. I think they did a
15 fantastic job. They talked to us. They
16 listened. They took input. They answered our
17 questions to the best of their ability.

18 And I think and I wholeheartedly
19 support the PUD and I hope that you do the
20 same.

21 The only concern that I have and
22 that was expressed by Ms. Lea and it's over
23 the non-negotiable. I feel that that should

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2 be reopened. I don't believe the discount
3 that is being given to us is fair and I would
4 hope that Fairfield would reconsider their
5 decision to not negotiate that. And that the
6 same thing applies to the buy out.

7 But in sum, I do support
8 wholeheartedly the PUD and I hope that you
9 will approve it.

10 Thanks so much.

11 CHAIRPERSON MITTEN: Thank you
12 very much.

13 Are you Ms. Barton?

14 MS. BARTON: I am.

15 CHAIRPERSON MITTEN: Okay. Please
16 go ahead.

17 MS. BARTON: Good evening
18 Chairperson Mitten, Members of the Zoning
19 Commission.

20 I'm Lisa Barton. I live in 1000
21 6th Street and I've lived there for about 12
22 years. I've lived there since I was a student
23 and not I am a practitioner and I appreciate

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2 the opportunity to come before you today --
3 this evening.

4 As we are all aware, there are
5 many plans underway for construction
6 renovation in our Southwest community and I
7 think I see from other tenants that such
8 renovation plans are really significant
9 changes for our community. And for people
10 that have lived in the community for a long
11 time, change is really difficult to accept
12 sometimes.

13 But I believe that the proposed
14 changes for Marina View Towers is beneficial
15 for the tenants and the community.

16 You're considering tonight their
17 plans to redevelop including considering
18 appropriate setback, community amenities.
19 I've had the opportunity to attend several
20 meetings with the development team and at
21 first I was very skeptical but after talking
22 to Fairfield and having them respond to
23 questions and pointed questions about how

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2 they're going to take care of the tenants, I
3 think that they have been fair in dealing with
4 the tenants. And responding to tenant
5 requests for home ownership opportunities and
6 for concerns for tenants who have lived there
7 for 20/30 years about being able to stay and
8 rent and have improvements to our building.

9 And I think that Fairfield has
10 been open and has been responsive to tenants'
11 concerns.

12 I had the opportunity to look at
13 the design. I think it is beautiful. I think
14 it's in keeping with our existing buildings.
15 And I think it's a step forward for us as
16 tenants to have where we live for many years
17 improved. And I think it's a step forward and
18 I hope you do approve their plans.

19 There has been talk tonight about
20 whether tenants are displaced or being
21 displaced. I've lived there 12 years. I
22 don't feel like I'm being displaced by this
23 process. I think we have a very diverse

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2 tenant group. Some people want to rent. Some
3 people want to have the opportunity to buy.
4 Some people want to be able to move somewhere
5 else and not live through construction. I
6 think they tried to really balance that out as
7 best as reasonably possible and kept an open
8 dialogue.

9 I think that in light of all that,
10 I'd ask you to approve their application.

11 CHAIRPERSON MITTEN: Thank you
12 very much.

13 Ms. Baker.

14 MS. BAKER: Good evening.

15 My name is Holli Baker and I'm a
16 tenant of Marina View Towers. I've lived in
17 and out of the Southwest area for the last
18 nine years and as a resident of Marina View
19 Towers for the last almost three years.

20 I am very excited about the
21 development of the Southwest Waterfront area
22 and equally as excited about the development
23 of Marina View Towers. I am a proponent of

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2 this project and would ask that you go ahead
3 and proceed to move this project forward.

4 CHAIRPERSON MITTEN: Thank you
5 very much.

6 Mr. Smith.

7 MR. SMITH: Good evening.

8 A pleasure to be here. My name is
9 David Smith. I am representative development
10 manager with Forest City Washington in
11 partnership with Charles E. Smith, Al Vernado
12 and Bresler & Reiner the owners making up
13 Waterfront Associates, the neighbors next door
14 at the old Waterside Mall, now called
15 Waterfront.

16 Waterfront Associates LLC, the
17 owner of the Waterfront -- owner of
18 Waterfront, formerly known as the Waterside
19 Mall, is supportive of Fairfield's PUD
20 application at 1100 and 1000 6th Street, S.W.,
21 and respectfully asks the Zoning Commission to
22 approve its application.

23 Waterfront filed and received

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2 approval for a stage one PUD in November 2003,
3 Zoning Commission No. 02-38. Subsequently,
4 Waterfront Associates filed a modification to
5 the approved stage one PUD and a stage two PUD
6 in November 2006 and was set down by the
7 Zoning Commission on February 12, 2007.

8 In light of this most recent
9 action by the Commission we ask that the
10 aspects of Fairfield's PUD that relate to our
11 property be based on Waterfront's pending
12 application as Fairfield's plans predominately
13 depict the waterfront improvements as
14 previously approved, not as necessarily
15 proposed in Zoning Case No. 02-38A.

16 To insure that all common elements
17 of our respective projects are well
18 coordinated, our teams have worked together
19 for several months. We have met in person I
20 would say maybe eight to ten times and then
21 we've had subsequent phone conversations and
22 e-mails many times. We've worked very
23 effectively we believe with the developer.

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2 Fairfield is proposing a project
3 that will compliment our work at Waterfront
4 and we view the following aspects of
5 Fairfield's PUD as being most important in the
6 coordination of our projects.

7 As request by the Office of
8 Planning and Zoning Commission, Fairfield and
9 Waterfront have coordinated a shared private
10 drive along the eastern edge of Fairfield's
11 property, Waterfront's western edge.

12 The revised plan minimizes curb
13 cuts on M Street and consolidates loading
14 facilities within each project.

15 Fairfield proposed heights of 112
16 feet at its new north and south buildings --
17 excuse me. Fairfield's proposed heights of
18 112 feet at its new north and south buildings
19 are consistent with the proposed heights of
20 114 feet of Waterfronts northwest building and
21 west M Street building.

22 We believe that the increased
23 density of the Fairfield project will help

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2 support the increased retail planned in the
3 neighborhood on our collective properties and
4 in the future Southwest Waterfront
5 Development.

6 The proposed retail located along
7 M Street will help link the retail between
8 Waterfront and Arena Stage to the Southwest
9 Waterfront. We believe our projects work on
10 concert with the proposed -- that this project
11 works in concert with the proposed Waterfront
12 project.

13 We have and will continue to work
14 closely with Fairfield in the development of
15 our respective properties because we believe
16 that both projects will help revitalize the
17 core of Southwest Washington.

18 I would also like to say that the
19 request for the seven year extension, we
20 believe that there is a need to enable the
21 property owners to negotiate how we're working
22 effectively to develop our products. And we
23 believe that is a positive thing, just not

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2 only for the development complexities and
3 logistics of developing property side by side
4 but because also with the amount of the
5 residential units that are being put forth
6 into the market, they will need to be tied to
7 absorb the different projects and the
8 different amounts of units for each of the
9 different projects.

10 So, we believe that this is
11 something that is positive and we would like
12 to see that happen as well.

13 And we just don't want to be
14 competing necessarily at the same time. So,
15 we believe this staged development on both
16 properties is something that is positive.

17 CHAIRPERSON MITTEN: Thank you
18 very much.

19 Questions for the panel from the
20 Commission?

21 I just want to ask Mr. Smith.

22 Was there anything that was
23 depicted on the Applicant's drawings as it

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2 relates to Waterfront that caused you concern?
3 I understand it's not the most up to date, but
4 is there something that we need to know about
5 that the Commission doesn't know?

6 MR. SMITH: I missed the earlier
7 part of the presentation.

8 We have worked extensively over
9 the last couple of months, especially to dry
10 to coordinate those drawings. And I'm not
11 exactly sure with the drive, I believe, a lot
12 of those concerns have been addressed. But we
13 just would like to make sure that we do work
14 in concert to make sure that we both provide
15 a win-win situation for the community as a
16 whole and both of our respective properties.

17 The one aspect that we were
18 initially very concerned about was, I would
19 say, the amenities building that was going
20 directly west of the existing tower that we're
21 hoping to convert to residential uses. And
22 we're hoping that the facade of that building,
23 as I believe it is, a facade that we are

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2 willing to accept and live with and the height
3 of the building doesn't then dwarf the units
4 that on the ground floor.

5 But we believe that we definitely
6 are moving in lucks steps and we are in
7 support of this project.

8 CHAIRPERSON MITTEN: And did you
9 have a comment? I don't know if you were
10 here?

11 There's the folks across the
12 street at Tiber Island and then some members
13 of the community and the ANC are concerned
14 about the setback along M Street.

15 Is that something that is of
16 concern to the Waterfront Associates?

17 MR. SMITH: I guess our concern is
18 that both projects will align themselves. We
19 believe that for the retail to work
20 effectively, we believe the projects should be
21 in line.

22 Our buildings right now on M
23 Street are not really far along in the design.

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2 It's really for those buildings a footprint.
3 We don't see a problem in going to the 18
4 feet. I believe we are at about 20/22 feet.
5 But we have no problem with that. That would
6 allow us to have more room on the private
7 drives behind and open it up more to the
8 public.

9 CHAIRPERSON MITTEN: Okay.

10 MR. SMITH: If that were at the
11 same distance they're requesting.

12 CHAIRPERSON MITTEN: Thank you.

13 Mr. Tummonds, any questions?

14 Commissioner Skolnik, did you have
15 -- I know Mr. Smith will share that microphone
16 with you.

17 MR. SMITH: Sure will.

18 MR. SKOLNIK: I actually just have
19 questions for Mr. Smith.

20 The setback issue just to kind of
21 go over it once again. Why do you think that
22 18 feet would be sufficient? What is the
23 significant -- sort of drop between 22 and 18?

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2 Or is there any?

3 MR. SMITH: I believe that they
4 should align. I believe that it will be well
5 for the retail that is proposed along the
6 south side of both of those buildings if the
7 buildings were in alignment.

8 WE do not have a problem
9 necessarily with where they are. I think it
10 may be -- it may work better but I think that
11 that relief on our project would allow us to
12 have better public space along -- we're not
13 here to present our project, but along the
14 private drive. It services the west tower
15 that we'll hopefully be seeing in the next
16 couple of months. And you've already seen
17 some of that aspect.

18 That is public space and I think
19 that will help open up our project internally
20 to the outside. And I think that is a
21 positive thing if that were 18 feet or 19 feet
22 whatever that is. I think that --

23 MR. SKOLNIK: Just to define. So

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2 alignment for you is within a range or is it
3 22/22?

4 MR. SMITH: I believe that if it's
5 within a range. We have no objection to going
6 up to 18 feet is what I'm saying. I have no
7 problem with the Fairfield project at 18 feet.
8 We would just like to have that same
9 consideration to open up the north side
10 project as well.

11 MR. SKOLNIK: The second question
12 I had was traffic and I think it was mentioned
13 before in terms of the traffic patterns and
14 opening up on 4th Street and the rating of D
15 to E along that 4th and M intersection.

16 Do you anticipate any or do you
17 have any concerns in terms of just this
18 project and reaching capacity on your site?

19 MR. SMITH: No. I do not. I'm
20 not -- I'm a civil engineer by trade but I'm
21 not a traffic engineer.

22 i do believe that they have -- we
23 have coordinated -- they have separate access

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2 for their parking. We have coordinated the
3 loading and the entrance into the private
4 drive and we think that they have -- we were
5 working with the same -- the same traffic
6 engineer and they have taken things into
7 account. And we believe that they have
8 compensated for their project, not providing
9 any undue burden to the intersection of 4th
10 and M.

11 CHAIRPERSON MITTEN: Thank you.

12 Thanks for the panel.

13 Is there anyone else who would
14 like to testify in support of the project?

15 Please come ahead now. Take a
16 seat at the table.

17 Anyone else who would like to
18 testify in support?

19 Please go ahead.

20 MR. SHEN: Hello. Thank you
21 Members of the Zoning Commission.

22 My name is William Shen. I have
23 ben a tenant at the North Tower for the past

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2 three years. I wish to speak in support of
3 the PUD and also in support of the tenants'
4 association concerns.

5 I am an employee of the Department
6 of Housing and Urban Development and I also
7 hold a master's degree in city and regional
8 planning.

9 As a tenant, I wish to commend the
10 efforts of Fairfield to notify the towns of
11 their plans and to listen to and accommodate
12 their concerns.

13 As a planner and as a fan of mid-
14 20th century modernist architecture, I'm
15 pleased with the efforts of the developers to
16 respect the materials and the design of the
17 existing structures and their plan.

18 As someone who deals with urban
19 redevelopment projects in my work on a regular
20 basis, I'm also particularly in favor of the
21 mixed use nature of the project.

22 And as a final note, I'm
23 particularly impressed by the landscape design

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2 and the effort to restore the Great Lawn and
3 the original intent of the landscape.

4 Thank you.

5 CHAIRPERSON MITTEN: Thank you.

6 And questions for Mr. Shen?

7 Ms. Tummonds? Commissioner
8 Skolnik?

9 Thank you very much.

10 We're going to need to take just a
11 five-minute break. None of us can leave the
12 dias without sacrificing the quorum and we
13 just need to take a very brief respite, so
14 we'll be back in five minutes.

15 (Whereupon, off the record from
16 9:58 p.m. to 10:03 p.m.)

17 CHAIRPERSON MITTEN: Now, we'll
18 take those organizations. Now, we're ready to
19 take those individuals and organizations who
20 are in opposition to the project and I'll use
21 the witness list again.

22 So, we have Marilyn Killingham,
23 Anise Jenkins, Jim McGraff and Mr. -- it looks

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2 like Cubiven?

3 Okay. Let's start down here on
4 the end. I didn't pay enough attention when
5 I was calling out names.

6 Ms. Killingham.

7 Just press the button in the base.
8 There you go.

9 MS. KILLINGHAM: I get five
10 minutes?

11 CHAIRPERSON MITTEN: Five minutes.
12 Yes.

13 MS. KILLINGHAM: I need those.

14 Be not deceived. God is not
15 mugged. There has been no survey to come up
16 with these figures and there has been no vote
17 by the tenants saying that they wanted to have
18 condominiums.

19 There's a law in D.C. that says if
20 you put me out of the 1100 building as an
21 elderly disabled person, I should be able to
22 go back into the 1100 building, whether it's
23 a condo or not. That is a D.C. law.

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2 On this the last day of African
3 American History Month, I think about
4 Southwest D.C. History, displayed market
5 across the street from Marina View Towers, the
6 urban renewal, negro removal that took place
7 as the first model cities project here. Now
8 there's further dislocation of tenants.

9 To say there's no dislocation. If
10 you take everybody out of the 1100 building,
11 they're displaced. They may be relocated.
12 Marina View means we wanted to look at the
13 water. Marina View. You put us in the back
14 building we don't have that view.

15 For our world-class community,
16 Fairfield's Marina View plan should fit with
17 other development and not have a bunch of
18 buildings at Marina View that fit with each
19 other and not the neighboring developments and
20 properties.

21 The proposed plan detracts from
22 the neighborhood and crowds its appearance.
23 Marina View Towers should remain as is.

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2 Affordable rental housing and work force
3 housing should be increased in D.C.

4 Even though I appear and represent
5 as an elderly disabled resident, I have
6 advocated for affordable housing as a long
7 time tenants' right activist since the early
8 '60s.

9 On behalf of Stand Up for
10 Democracy in D.C., I think that 955 decision
11 in the D.C. Court of Appeals would have been
12 different if D.C. had senators who helped
13 appoint judges or if the District of Columbia
14 had stated to govern ourselves.

15 On behalf of International Human
16 Rights Association of American Minorities,
17 Incorporated, I spoke of D.C.'s homeless
18 problem in the United Nations in Geneva,
19 Switzerland, in August of 2000.

20 Southwest D.C. activities include
21 20 years on the Southwest Board of Directors,
22 part time secretary of the board and Southwest
23 Neighborhood Assembly for two terms and seven

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2 years as president of Marina View Towers
3 Tenants' Association, Incorporated.

4 Our specific and cultural
5 organizations include Asbury United Methodist
6 Church lay speaker member, frequent member of
7 the administrative board. Washington Alumni
8 Chapter of Delta Sigma Beta Sorority,
9 Incorporated, Jack and Jill of America,
10 Incorporated, Tennessee State University
11 Alumni Association, Downtown Cluster of
12 Congregations 20 year board member who fought
13 the Pennsylvania Avenue development because it
14 had no affordable housing component. And Mt.
15 Vernon Square, Mt. Vernon Church
16 gentrification.

17 I have testified many times at
18 city council to get laws for remand of rent
19 ceilings, for rent control, for affordable
20 housing and for laws empowering tenants'
21 rights and advocacy.

22 In the one year in the 955 before
23 Fairfield had a pool measure, they filed two

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2 forums that your supplement includes to get a
3 rent increase, red ceiling increase one dated
4 July 2005, one dated November 2005. So, all
5 this talk about looking out for the tenants is
6 documented here. You can see that that's not
7 true.

8 There is a requirement that
9 existing lease holders residents participate
10 in the planning of the redevelopment and that
11 development be carried out on a basis that is
12 mutually acceptable to existing lease holders
13 and the developer buy outs of \$17,000 plus
14 \$500 for every three years. Unacceptable and
15 we told non-negotiable by Fairfield
16 Residential LLC.

17 The District of Columbia Office of
18 Planning, Business and Professional Licensing
19 Administration and Corporations, Department of
20 DCRA are aware of some non-compliance issues
21 and their outstanding fines of more than
22 \$4,000 owed by Fairfield, yet they are
23 permitted to cover up this and go ahead with

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2 this zoning. Yet this application has been
3 advanced by the D.C. Office of Planning and
4 recommended and supported for hearing on this
5 PUD and Zoning Map Amendment. I urge you, the
6 Commissioners to reject this application.

7 The new building will hide the
8 existing structures designed by the award-
9 winning architect. The fronts of both
10 buildings will be blocked. The present
11 tenants will be displaced up in the 1100 6th
12 Street building because the building is slated
13 to be gutted and reconfigured as condominium.
14 And grand --

15 CHAIRPERSON MITTEN: Ma'am. I
16 need you to close.

17 MS. KILLINGHAM: Grand thought
18 arrogance --

19 CHAIRPERSON MITTEN: Ma'am?

20 MS. KILLINGHAM: -- and lack of
21 compassion. Just let me say one more thing on
22 behalf of my five grandchildren whose only
23 home in the U.S. that they know is where I

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2 live. They are age 6 to 14.

3 When the older children taught the
4 younger grandchildren when you visit grandma
5 mama, you can see the planes ascend an
6 descend. The boats go up and down the river.
7 The cars make -- cars, trucks, busses, birds,
8 trees. Trees are rare for them. Trees,
9 water. Water. Boats.

10 When I visit them in North Africa,
11 that's what we talk about. No. Don't take
12 that away from me.

13 CHAIRPERSON MITTEN: Thank you,
14 Ms. Killingham.

15 Ms. Jenkins.

16 MS. JENKINS: Board Members and
17 Chair.

18 Thank you for giving us the
19 regular citizens of Washington, D.C., the
20 opportunity to confront corporate and big
21 business interests.

22 My name is Anise Jenkins, a native
23 of Washington, D.C., born and raise right here

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2 in the nation's capital.

3 I am here to express my hurt,
4 sorrow and anger at what has been done to my
5 hometown. Washington, D.C. has become
6 unrecognizable to me. I walk down U Street in
7 Chinatown and Northeast, Southeast and
8 Southwest, Shaw where I live and was born and
9 still live. There is nothing left of what I
10 knew as a child. Not only are buildings and
11 landmarks gone, the long-time residents,
12 including generations of close family friends
13 have been forced to move out of the city, no
14 longer able to afford to stay in their homes
15 that their ancestors struggled to buy and toil
16 a lifetime to keep.

17 It is so sad and such an outrage.

18 Some years ago I was a resident of
19 Southwest, not far from Arena Towers. When I
20 moved to Capital Park Towers I learned the
21 history of Southwest, the story of urban
22 renewal and what was meant by negro removal.

23 While we have no history repeating

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2 itself, we have history repeating itself here
3 with Marina Towers. The conversion of these
4 apartments will mean that many long-time
5 residents will be forced to move again in a
6 city that now has very little affordable
7 housing left.

8 Where are they to go? Do the
9 developer care? I don't think so. Were the
10 residents offered any real choice? Did anyone
11 consider what my good friend, 73 year old
12 Marilyn Preston Killingham, community activist
13 and fighter for D.C. statehood would do?

14 Freshly painted walls still in
15 iron will not replace here contributions to
16 the community. The market cannot bear it and
17 people's earnings cannot afford this constant
18 grab for real estate and money.

19 There are condos that were built
20 near where I live now in Shaw that are being
21 put up for rent now because they cannot be
22 sold. The market has been flooded. People
23 don't have the money to buy these places.

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2 D.C. needs better planning and a
3 city that cares.

4 I ask you. You must first do no
5 harm to the tenants.

6 CHAIRPERSON MITTEN: Thank you,
7 Ms. Jenkins.

8 Mr. McGrath.

9 MR. McGRATH: Thank you, Madam
10 Chairman and Members of the Commission.

11 My name is Jim McGrath. Is this
12 on?

13 CHAIRPERSON MITTEN: Yes. It is.

14 MR. McGRATH: Okay. Okay.

15 I appreciate the fact that I can
16 be heard here tonight. I chair the
17 organization called TENAC, which is D.C.
18 Tenants Advocacy Coalition. We represent all
19 who live in rental housing in the city.

20 TENAC feels very invested in
21 Southwest. I personally lived in Marina View
22 Towers when I got out of the Army for a couple
23 of weeks and I needed to find a place to live

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2 and a G.I. buddy put me up there for a couple
3 of weeks.

4 TENAC has formed tenant
5 associations all through the Southwest,
6 including originally in Marina View Towers in
7 it's neighbor Waterside Towers. And another
8 neighbor the new Capital Park Towers nearby.

9 And when I look at this PUD I see
10 a very nice development. Handsome buildings.
11 You almost hate to oppose it. It's almost
12 heartbreaking to oppose it. Somehow I have
13 found the courage.

14 You get the impression from
15 listening to the presentation of the developer
16 that all is fine. Everybody who -- everybody
17 comes out okay. Nobody gets hurt. Anybody
18 who wants to buy buys. Those who aren't
19 interested in buying walk away. Those who
20 can't afford it get a settlement and everybody
21 is happy and everything is honky-dory.

22 That is a complete and total
23 distortion of what is happening in the city.

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2 Everyone in this room knows it. Very few
3 people admit it. I feel like a voice crying
4 out in the wilderness but I'll cry anyway.

5 Why does TENAC oppose this? We
6 oppose it because of two things. We see here
7 a double whammy. A repeal of R5D zoning and
8 a loss of rental housing units big time.

9 Why is R5D zoning a concern to us?
10 Why are we concerned about it? Twenty years
11 ago I headed a coalition against the Brookings
12 Institution putting up an office building.
13 Mr. Esocoff builds very nice buildings,
14 proposes very nice developments. You hate to
15 oppose those things. But the Brookings plan
16 proposed a zoning change then from R5D to SP
17 and the neighborhood was up in arms and
18 brought it to the Zoning Commission and you
19 denied it and you did the right thing and we
20 hope you'll do it again.

21 Why was it the right thing? Why
22 is R5D zoning important to keep in the city?
23 Everybody knows the development and

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2 redevelopment craze that is sweeping this city
3 and every other urban city in the United
4 States. And the enormous disastrous follow up
5 from it.

6 Affordable housing is going to the
7 vanishing points. Displacement of tenants is
8 escalating to an astronomical proportions.
9 Population decline in the city has gone on on
10 a straight line down. Evictions have
11 skyrocketed. Cost of housing has gone through
12 the roof.

13 We live in a city that is
14 undergoing a convulsion of redevelopment and
15 part of that convulsion is the condominium
16 conversion craze and part of it is the loss of
17 hundreds of rental buildings -- a lot of
18 rental housing part and part of it is the loss
19 of tens of thousands of rented units and part
20 of it is the epic decline of rent control in
21 the city.

22 Those are some of the spinoffs of
23 the development and redevelopment conversion

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2 in the city. So, pretend that nobody is
3 getting hurt from this proposed development
4 and from developments across the city is a
5 complete and total hoax.

6 Twelve thousand apartments were
7 lost in the city in 2004. Forty nine thousand
8 people were evicted in the city in 2005.
9 Hundreds of rental buildings were taken over
10 and converted into condominiums during that
11 time span.

12 What happens when they get
13 converted? They get converted to high and
14 luxury housing, high and luxury rentals that
15 only the affluent people in this city and
16 across this country can afford.

17 The mayors of the city and the
18 council would like to see this entire city
19 converted into an instant Georgetown.
20 Gentrification has winded it way from Capitol
21 Hill to Mt. St. Albans and everywhere in
22 between. Does anybody care for working class,
23 poor people, disabled people, low income

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2 people, moderate income people?

3 This developer poses amenities.
4 My math isn't very good but I understand there
5 was over 600,000 square foot in this
6 development and they're proposing 15 percent
7 of it for affordable housing. That's less
8 than 5 percent.

9 CHAIRPERSON MITTEN: I need your
10 closing though, Mr. McGrath.

11 MR. McGRATH: My closing thought
12 is we're not talking commodities here. We're
13 not talking about oil futures or pork bellies
14 or Reebok sneakers. We're talking about the
15 roof over people's heads. And for that reason
16 I respectfully ask that you disapprove this
17 application.

18 Thank you.

19 CHAIRPERSON MITTEN: Thank you,
20 Mr. McGrath.

21 Any questions from the Commission
22 for the panel? Any questions?

23 Mr. Tummonds? Commissioner

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2 Skolnik, did you have any questions?

3 MR. SKOLNIK: I just have a few
4 questions.

5 How many people -- how many
6 residents do you think are actually in
7 opposition to the plan of the current
8 residents?

9 MS. KILLINGHAM: We have no idea
10 because there's a law that says there has to
11 be a vote taken by the tenants but that hasn't
12 been done.

13 I understand from tonight that
14 there are 140 remaining tenants. Some have
15 been evicted. Actually, some have been
16 constructively evicted. We've lived without
17 elevators for three months. With one elevator
18 for three months and without elevators many,
19 many times. And we got half our lobby taken
20 away. All kinds of things that's happened
21 that would run people away to get to diminish
22 that.

23 So, they ask you how many are left

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2 that would want to. I don't know. But we
3 will know because the law requires that a
4 survey be taken.

5 MR. SKOLNIK: Okay. And how do
6 you account for the differing views of the
7 residents in terms of Fairfield's
8 communication? How would you characterize
9 Fairfield's communication with the residents?
10 Has it been as has been described?

11 MS. KILLINGHAM: You know, I tease
12 Graham all the time. He is charming. My son
13 is charming like that. He is absolutely
14 charming and the girl he has helping him, the
15 lady, Ms. Sharon Robinson, is beautiful and
16 charming and courteous. The whole smooth
17 thing you saw, this presentation, it's slick.
18 You know, they have lots of money. They have
19 no regard for human life. No regard for
20 people.

21 But personally they are wonderful.
22 They treat you with dignity, but they had come
23 to you when we met them. When we met

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2 Fairfield, I was already chairman of the --
3 had been chairman when we found out about the
4 955 sale. When we met them, they came with
5 big pictures. Big beautiful color pictures of
6 what was going to be. We were not involved
7 with any of that planning.

8 So, you don't come to me with a
9 well-made plan and give me three options. You
10 may do this, this or this. That's
11 disrespectful.

12 But after the fact to sit here and
13 tell me they've sent 33 newsletters. They got
14 money to make colorful newsletters. They do
15 e-mails. Yes. You know, I don't have the
16 cell number by the way, Graham. But I would
17 like to know --

18 CHAIRPERSON MITTEN: I'm sure he's
19 going to give it to you though.

20 MS. KILLINGHAM: I think that -- I
21 think that your question is a good one. We
22 need to have real -- see, a lot of people
23 don't know they have options. You come, they

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2 say it's a done deal. They already have it.
3 Because when you see somebody that cannot get
4 a license, get notice of infraction and not
5 have to pay it, get a double -- it got doubled
6 and still didn't pay it. And then they can
7 keep on going because we called Mr. Lawson
8 over here. He says we don't deal with that
9 part of it.

10 And then you said initially, you
11 know, the DCRA regulations don't come in. So,
12 where do you go? Where do you go? People say
13 it's a done deal. They don't think they can
14 do anything about it.

15 Yes. Everybody would like to have
16 -- especially, the young students and interns.
17 Who wouldn't? You know, but I don't want --
18 I've had a condominium. The condo fees got so
19 high, I couldn't afford them. I could afford
20 my mortgage. I had a condo fee. I like
21 views.

22 CHAIRPERSON MITTEN: Ms.
23 Killingham?

2 MS. KILLINGHAM: Yes.

3 CHAIRPERSON MITTEN: Let's see if
4 Mr. Skolnik feels that his question was
5 answered.

6 Did you feel that your question
7 was answered?

8 MR. SKOLNIK: Sure.

9 CHAIRPERSON MITTEN: Okay.

10 MS. KILLINGHAM: There has been
11 none.

12 CHAIRPERSON MITTEN: Okay. Thank
13 you.

14 MR. SKOLNIK: Just two more.

15 Are there specific changes to the
16 PUD that would bring your approval or are you
17 just opposed in its entirety?

18 MS. KILLINGHAM: Too little, too
19 late. You come with a plan -- they had a
20 whole year. 955. There was a year that they
21 had time to just negotiate or at least get the
22 feel that the tenants. We didn't even know.

23 When we got the call to come to

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2 Arena Stage there had already been two things
3 filed for rent ceiling increases. Chairman
4 Graham is the only one that did away with that
5 with all our testimony and everything.
6 Finally, Jim Graham refused to let any rent
7 ceilings go forward. We got rid of them as
8 you know, of all the rent ceilings. That's
9 the only reason they can say the rent remained
10 the same after year because the legislation
11 took place.

12 So, I think being saying that
13 you're involved. Where do you start being
14 involved? Do you come to me as an adult and
15 say, you know, I didn't know you for 21 years?

16 CHAIRPERSON MITTEN: More
17 specifically though to the Commissioner's
18 question.

19 Do you feel that there's anything
20 that can be done at this point that would get
21 your approval or are you sort of opposed
22 because of what you're describing as the
23 initial approach?

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2 MS. KILLINGHAM: I think the law
3 should be about it. One of the panelists up
4 here mentioned law. The one who was sitting
5 in the middle. I don't know his name.

6 I think that if you have laws and
7 you come into this -- my city, and disregard
8 the laws that are in place in this city and
9 can get away with it. I could not sell a hot
10 dog on the corner without a license. So, how
11 can this be? How can it be?

12 To answer your question
13 specifically. Involvement from the beginning
14 or something but you come to me with a
15 completed project and then say you can do
16 this, this or this. It's an insult. It's
17 disrespectful.

18 CHAIRPERSON MITTEN: Okay. Does
19 that answer your question?

20 MR. SKOLNIK: Yes.

21 MR. McGRATH: Could I make a brief
22 observation and ask a brief question?

23 CHAIRPERSON MITTEN: These are --

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2 this is cross examination by Commissioner
3 Skolnik so unless a specific question has been
4 put to you, I'm going to ask you to hold your
5 thought.

6 MR. McGRATH: Okay.

7 MR. SKOLNIK: I have a specific
8 question for you.

9 MR. McGRATH: Oh, please. Fine,
10 fine, fine.

11 MR. SKOLNIK: I could certainly
12 not agree more with your testimony in terms of
13 the affordable housing crisis, but I wonder if
14 you could just speak specifically to this
15 arrangement, to this benefit, specific to the
16 rental benefit that Fairfield has offered in
17 terms of a rate guarantee.

18 Is that unusual in your mind? Is
19 that --

20 MR. McGRATH: I'm a little bit
21 puzzled by it. I must say I came here
22 yesterday to review these files and I want to
23 thank Ms. Schellin for very kindly making them

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2 available to me and I mind them at great
3 length.

4 I'm a bit puzzled by the rental
5 arrangement that Fairfield is offering there.
6 They talk about as part of their amenity
7 making, I believe they said, 15 percent of the
8 units available to a work force number of
9 tenants or a work force -- affordable --
10 affordability was going to be based on a work
11 force term. And work force is really a term
12 of art here.

13 It seems to me that it implies a
14 cross section of people working in the
15 District of Columbia, but it's fairly
16 inclusive. It includes high-end employers,
17 doctors, lawyers, indian chiefs, along with
18 blue collar workers and everybody in between.

19 CHAIRPERSON MITTEN: Let me focus
20 this just a little bit more.

21 Mr. Skolnik, I believe you're
22 asking specifically about the commitment to
23 maintain the rental rates for existing tenants

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2 should they choose to stay.

3 MR. SKOLNIK: Correct.

4 CHAIRPERSON MITTEN: Could you
5 address yourself to that, Mr. McGrath?

6 MR. McGRATH: Yes. What is true
7 today is not necessarily tomorrow. We have
8 seen these kind of pledges and commitments and
9 promises come to pass time and time again.
10 TENAC operates a hot line in the city and we
11 get hundreds of thousands of calls complaining
12 about landlord commitments and promises about
13 rents that are going to be stable and
14 stabilized and of an "X" rate now actually in
15 the future and they have been abrogated time
16 and time again.

17 I'm not talking about infrequent
18 occasions. I'm talking about wholesale
19 numbers here. So, forgive me if I put minimal
20 confidence in that assurance.

21 CHAIRPERSON MITTEN: Okay. Thank
22 you.

23 MR. SKOLNIK: I guess it's just to

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2 clarify then. So, it's not any specific
3 provisions that you would change or language
4 that you would change? It's a history or
5 precedent that is --

6 MR. McGRATH: I would ask for
7 clearer definitions of what work force means
8 in terms of affordability.

9 Work force to me excludes poor
10 disabled, low and fixed income and students.
11 They are not in the work force. But they are
12 the most vulnerable and the most i need of
13 housing, specifically affordable housing.

14 It seems to me there's something
15 disingenuous about that term on the part of
16 the Marina proposed developers in that it's
17 very exclusionary and it's very protective of
18 their profits.

19 I mean, if the amount of amenity
20 is devoted to 15 percent of this prospect for
21 affordable housing and less than five percent
22 of the square footage is committed for that
23 same purpose, that's chicken feed kind of

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2 offerings in my opinion.

3 CHAIRPERSON MITTEN: Thank you,
4 Mr. McGrath.

5 Did you have anymore questions?

6 MR. SKOLNIK: No. Thank you.

7 CHAIRPERSON MITTEN: Okay. Thank
8 you all. Thanks to the panel.

9 Now, we have Mr. Lynch and anyone
10 else who'd like to testify in opposition.

11 Anyone else who would like to
12 testify in opposition?

13 MR. LYNCH: Good evening.

14 Terry Lunch. I reside in Ward 1.
15 Trying to think of what I could tell you at
16 10:30 that will help you with your
17 deliberations that you haven't already heard
18 is a bit of a challenge. But I'll do my best.

19 You've got my comments for the
20 record. What I think is most definitive is
21 that you're being asked to review a PUD. It
22 seems to me a PUD really must provide
23 exemplary outstanding benefit to those that it

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2 direct impacts, to its immediate neighbors and
3 to the city as a whole.

4 I don't think project is there yet
5 in meeting that kind of standard.

6 It may meet it for those who
7 ultimately reside at the project who can
8 afford it. But you heard significant
9 testimony tonight about concern about some
10 non-negotiability of the various three options
11 they presented to the tenants. So, I'm not
12 sure it meets the exemplary, outstanding
13 characteristics you might see for the existing
14 residents.

15 With regards to the city, I think
16 there's certainly outstanding benefits in
17 terms of probably enhanced tax revenues down
18 the road when it's completed. Certain green
19 standards, but I think that may well be offset
20 by the loss of affordable housing.

21 You're looking at really a unique
22 site of affordable housing. It's proximity to
23 the Metro, it's proximity to downtown. As we

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2 all know, this is one of the great crises
3 facing our city and one this Commission needs
4 to take deep concern about in coordination
5 with the other agencies that play, OP, DCRA,
6 all the other agencies that are part and
7 parcel making decisions that are adding to the
8 ongoing loss of affordable housing.

9 Thirdly, I think the neighborhood,
10 if you listen to the testimony tonight of
11 Tiber Creek, Mr. Greenberg and the ANC's
12 reservations, I think frankly if you meld
13 those together it's really -- could qualify as
14 an OP report on kind of the standards that you
15 might look for in a PUD as in terms of
16 impacting a neighborhood. Perhaps, more so
17 even than the OP report that you received.

18 So, where do you go from here? I
19 think you challenge the development entity to
20 go back and to really make it an outstanding
21 exemplary project.

22 How do you do that given the
23 concerns that you heard tonight? I think you

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2 perhaps might look for a definitive number of
3 affordable units for a permanent basis. How
4 many affordable units? At what levels? At
5 what amount I think would be significant.

6 You heard from some of the
7 existing tenants about concerns about
8 negotiability. I think that is something that
9 should be reviewed. And I that with regards
10 to the neighbors, what are they looking for?
11 They're looking for open space. They're
12 looking for redesign that will protect vistas.

13 I would say after affordability
14 one of the greatest losses currently happening
15 is the in-fill development that is losing our
16 air, light and open space that all of us have
17 enjoyed and that I think the new
18 administration needs to look very closely at
19 what is the overall combined impact? I think
20 Mr. Hood's questions were quite pertinent in
21 terms of how does this fit in with all the
22 other surrounding development that we don't
23 quite know of and have definitive. And I

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2 think's of significant concern.

3 So, I would challenge them to come
4 back and look out how are they meeting the
5 needs of residents and the future ones. I
6 think there are a couple other things, pool
7 use from one of the other sites. And some
8 other things that the current residents might
9 like to look at -- negotiability. Look at a
10 definitive number of affordability. And I
11 think also look at the design. The setbacks,
12 the light and air impacts on the surrounding
13 neighbors.

14 I think if you go there, you may
15 more qualify for what you'd be looking for in
16 a PUD of this magnitude. As the developer
17 themselves said, this is a big project. It
18 needs to merit the value to the residents, to
19 the neighbors and the city as a whole for you
20 to go forward.

21 CHAIRPERSON MITTEN: Thank you
22 very much.

23 Questions for Mr. Lynch? Any

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2 questions for Mr. Lynch?

3 Mr. Tummonds? Commissioner
4 Skolnik? Okay.

5 Thank you very much.

6 MR. LYNCH: Thank you.

7 CHAIRPERSON MITTEN: Mr. Tummonds?

8 MR. TUMMONDS: Present our
9 rebuttal testimony, we're just going to
10 address two issues.

11 The first issue is the question
12 that Mr. Hood had raised with regard to the
13 opening up, if you will of the vistas at this
14 end of the M Street corridor as well as the
15 approved development patterns for the
16 Southwest Waterfront.

17 Mr. Esocoff.

18 MR. ESOCOFF: The point is that
19 the Washington plan calls for defining, if
20 you've seen the screen movie by Spike Lee on
21 New Orleans. During the credits the people
22 who were in the film announce themselves and
23 they're holding these beautiful gold frames

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2 around their faces. Because to make a
3 beautiful picture you need a really good
4 frame.

5 And what we lack in Southwest in
6 many respects is frames of views down the
7 street the way you have on 16th Street towards
8 the White house on Pennsylvania Avenue towards
9 the Capitol. And having it just sort of bleed
10 away is actually not in keeping with the
11 precepts of Washington's plan.

12 In fact, our project is not the
13 last project. The Arena Stage is there and
14 there's a small church and so that vista does
15 open up appropriately and will be protected by
16 the Southwest Plan.

17 The view to the Washington
18 Monument from Tiber Island is actually a main
19 avenue because it's basically on 16th Street.
20 We're at 6th. So, looking north through our
21 project would not give you a view of the
22 Washington Monument. You have to look to your
23 left. And that would be a view of Main

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2 Avenue, which we wouldn't block because we're
3 a block to the east of it.

4 The central courtyard as someone
5 pointed out is in fact not really open to the
6 public now. Yes. People can get in there,
7 but it's simply not clearly defined and it's
8 not very well cared for because it's not a
9 very well defined space, similar to the space
10 in the center of Tiber Island which did, in
11 fact, win a 1961 AIA national design award,
12 notwithstanding that there were flaws in those
13 days in urban planning. An essential concrete
14 courtyard in the middle of that project with
15 security lights mounted 80 feet in the air and
16 blank brick walls and no real landscaping or
17 sort of loving treatment is sort of a
18 testimony to something that belongs to
19 everyone and belonging to no one.

20 I think --

21 MR. TUMMONDS: Could you also
22 address --

23 MR. ESOCOFF: We are providing a

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2 barbecue area and the swimming pool will have
3 a very extensive wall that opens up, a glass
4 wall. So, there is sort of sense of
5 indoor/outdoor, sensitive to that.

6 A comment, and in fact we have
7 because of these comments made numerous
8 changes to the plans. You know, we provided
9 an initial plan. People responded to that and
10 there have been dramatic changes in the
11 exteriors of the building which were all
12 glass, quite simple with one curve on the end.

13 DCPL made comments on it. Office
14 of Planning made comments on it. Many of the
15 residents made comments on it. We revised
16 those plans many, many times in our own sort
17 of concerns.

18 MR. TUMMONDS: Mr. Esocoff, could
19 you address the ability to have the best
20 pocket parks open to the public?

21 MR. ESOCOFF: Yes. There's no
22 real feasible way that we felt to preserve the
23 integrity of Pei's buildings and gate that

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2 vest pocket park. So, what we've done is
3 provide a visual ques and, in fact for the
4 first time, true acknowledge public right of
5 ways through the courtyard. You walk down
6 those two paths and you can enter the arcade
7 around the Pei buildings. There's no gating
8 there and if people want to walk around the
9 corner into the vest pocket park, that's
10 actually a free-flowing event.

11 And if the restaurant makes
12 arrangements to have some catering in there,
13 that's perfectly fine. We haven't really
14 gated that off at all.

15 So, we provided the visual ques
16 and architectural treatments that help define
17 that this is a higher level of privacy than
18 say the pathway through. And so people pick
19 up on that and that's kind of a good way of
20 looking at it. In other words, if you walk up
21 and down a street in Washington, you can enter
22 someone's front yard. You can hop over a
23 three-foot fence. But it provides a que that

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2 you kind of have to explain yourself a little
3 bit. You have to be on a different kind of
4 behavior when you're there.

5 Maybe your conversation is lower
6 in tone. In a way it may be louder if you're
7 out on the sidewalk. And so those are just
8 kind of urban design phenomenon.

9 And by the way, the Brookings
10 projects was approved and is built and wasn't
11 the end of western civilization as we know it.

12 MR. TUMMONDS: Okay.

13 MR. ESOCOFF: It's a housing
14 project and a home for Carnegie endowment for
15 international peace.

16 MR. TUMMONDS: Okay. That
17 concludes our rebuttal testimony.

18 CHAIRPERSON MITTEN: Thank you.

19 I just had another -- this is in
20 response to the ANC report which is -- you
21 have represented the value of the different
22 proffers based on what you believe will be the
23 number of individuals who avail themselves of

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2 the different alternatives. And I'd like you
3 to give some thought to how we would hold you
4 accountable, particularly for the proffer
5 related to the discounted purchase if people
6 in fact don't purchase. And so, you know,
7 what kind of threshold should you meet? And
8 it's not a function of the developer, it's a
9 function of the occupants.

10 And then if that minimum number
11 doesn't avail themselves of that alternative,
12 what then? So, if you'd think about that too.

13 Any follow up from the Commission?

14 VICE CHAIRMAN HOOD: Madam Chair,
15 I would again go back to the letter that we
16 got from -- the submittal from Mr. Greenberg
17 dealing with the narrowing of -- dealing with
18 the setback. Because if I heard from what I'm
19 going to call Waterside Mall until I get used
20 to the new name, that Applicant obviously
21 doesn't have a problem whether they want to
22 extend out 18 or not.

23 But I hear Mr. Greenberg loud and

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2 clear and I'm up here grappling with this and
3 I'm sure deliberation on grappling. And maybe
4 Mr. Parsons and Jeffries may need to read the
5 record on this.

6 And I'll tell you, that's just my
7 suggestion. I'll tell you why.

8 It's because during 9/11, if I
9 remember correctly and I kind of understand
10 what they're saying.

11 Went out on M Street and working
12 in Waterside Mall I was able to go out and
13 look and see the smoke. So, I'm thinking out
14 loud here. I probably should be doing that,
15 but I'm thinking out loud.

16 So, I kind of understand that
17 argument about the openness of the Southwest.
18 But then the flip side of it is and I'm just
19 saying this for discussion just in case the
20 Applicant won't give me -- I'm not leaving it
21 open for anything. But the urban renewal
22 plan. How much credence do we give to that?
23 That was in 1954. The '50s at least the way

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2 I read it right quick because it's a big book.
3 It's kind of hard to read up here while you're
4 listening to testimony.

5 Also, in the Office of Planning
6 report, the Comprehensive Plan, you know, we
7 have a new Comprehensive Plan which is now
8 calling for higher density. So, there's some
9 things that we need to take into -- that I
10 believe in all my deliberations that I would
11 take into consideration as we move forward.
12 And I'll just put that out there. I'm not
13 sure if anybody else is going to be submitting
14 anything. But that's the way I'll be
15 deliberating.

16 But I would just suggest that
17 maybe Mr. Parsons and Jeffries --

18 CHAIRPERSON MITTEN: Well, I think
19 it would be advisable if no other reason then
20 they should familiarize themselves with this
21 project.

22 VICE CHAIRMAN HOOD: And let me
23 just, if I can, if it's appropriate, Madam

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2 Chair, let me thank the folks for going along
3 with the postponement. We postponed that
4 meeting on whatever day it was, the 15th? The
5 15th because actually we knew seniors and we
6 didn't want seniors to come out here and
7 injure themselves. So, we want to thank
8 everybody for indulging us and hopefully I'm
9 not stepping out, Madam Chair, as the
10 Chairperson was not going to be here. And I
11 actually had called Ms. Schellin. I want to
12 thank Ms. Schellin for getting that done.

13 It's not that I didn't want to
14 have the hearing, but I wanted to make sure
15 that our safety and our health were protected.
16 So, thank you all for indulging us.

17 Thank you, Madam Chair.

18 CHAIRPERSON MITTEN: Thank you,
19 Mr. Hood.

20 Maybe I would just suggest in an
21 additional submission you show some
22 perspectives on M Street with 18.6 and 22, so
23 we can get a sense of the order of magnitude

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2 of difference.

3 MR. ESOCOFF: I'd be glad to do
4 that. Four feet is about the width of this
5 table.

6 CHAIRPERSON MITTEN: I'm aware of
7 how far four feet is.

8 Thanks.

9 Okay. So, there's a few things we
10 need to get in the record.

11 Oh, let me ask. Mr. Skolnik, did
12 you have any questions on the follow up? On
13 the rebuttal testimony actually? Okay.

14 MR. SKOLNIK: I guess we just have
15 esthetic differences on the setback, but my
16 questions is just simply. What is the
17 feasibility of a 22 foot setback?

18 MR. ESOCOFF: Well, we heard
19 testimony from the people who are living in
20 the Pei buildings, they would like to have
21 more space between them and the buildings.

22 I think given that the street is
23 120 feet wide and that the courtyard is about

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2 55 feet wide that it certainly doesn't seem a
3 terrible imposition on the people that live
4 120 feet to our south across a public right of
5 way, south of our building where we can't
6 throw a shadow that they should ask the people
7 who are in the courtyard to give us an
8 additional four feet.

9 For the life of me, I can't quite
10 understand the fixation on that frankly.

11 MR. SKOLNIK: But it's not
12 impossible?

13 MR. ESOCOFF: Nothing is
14 impossible. Of course, nothing is impossible.

15 We could tear down Tiber Island
16 and build buildings appropriate to the
17 L'Enfant plan. That would be possible. We're
18 not proposing that.

19 CHAIRPERSON MITTEN: Okay. Let's
20 not --

21 MR. ESOCOFF: We could build in
22 the central courtyard like Monument did.
23 We're not proposing that.

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2 CHAIRPERSON MITTEN: Okay. We're
3 not getting cranky at 10:30 at night. Okay?

4 MR. ESOCOFF: You know, it's --
5 the city has big issues to worry about four
6 feet here.

7 CHAIRPERSON MITTEN: Okay. Mr.
8 Esocoff?

9 MR. ESOCOFF: To take floors off
10 that would support school teachers, that's a
11 big issue.

12 CHAIRPERSON MITTEN: Thank you.
13 Okay.

14 MR. ESOCOFF: Four feet is not.

15 CHAIRPERSON MITTEN: Thank you.

16 MR. SKOLNIK: And the last
17 question I had was. Will all the apartments
18 be available to existing residents to choose
19 from?

20 MR. TUMMONDS: We didn't testify
21 on --

22 MR. SKOLNIK: I know you didn't
23 testify about.

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2 CHAIRPERSON MITTEN: Right. And
3 you can feel free to have conversations off
4 line. Okay? All right.

5 Now, let me just review real quick
6 the things that I wrote down that we asked you
7 for.

8 You're going to think about a
9 minimum number of LEED points, not necessarily
10 LEED certification that you would commit to.
11 Greater detail on the discounted purchase
12 provisions.

13 I understood your point about
14 having additional parking for the event that
15 you have some extra. But I'm still going to
16 just press you on that point and ask you to
17 think about it some more.

18 A little more work on the phasing
19 and better -- just a better description of how
20 you plan to proceed.

21 I think either, if you're not
22 prepared to do a specific lighting plan, I
23 think at least some of the restrictions that

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2 you would impose on yourselves, I think that
3 would help us -- give us some comfort.

4 And then what you would do with
5 the proffers in the event that the number of
6 people didn't take advantage of them that
7 you're anticipating now.

8 Anything else that the Commission
9 wants to see?

10 SECRETARY SCHELLIN: I think Mr.
11 Hood asked them to reconsider the setback.

12 CHAIRPERSON MITTEN: Oh, we're
13 going to get the perspective so that we can
14 think about --

15 SECRETARY SCHELLIN: And the
16 perspective. Yes.

17 CHAIRPERSON MITTEN: -- that.
18 Yes.

19 SECRETARY SCHELLIN: And how to
20 hold them accountable. I think you already
21 hit that on the discounted purchases.

22 CHAIRPERSON MITTEN: Yes. and
23 Commissioner Turnbull?

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2 COMMISSIONER TURNBULL: Thank you,
3 Madam Chair. I just had one question.

4 We were talking about the rent and
5 that the existing tenants will be able to have
6 apartments in the new buildings at the
7 existing rent.

8 Is that -- I guess that's looking
9 at the rent control issue and the time line on
10 those rents. How long those rents stay in
11 effect at the current rates and what controls
12 are in place on that.

13 CHAIRPERSON MITTEN: Maybe I'll
14 just ask Mr. Tummonds for those of us who
15 aren't familiar with the rent control laws to
16 just give us a little submission on what that
17 really means to a tenant and what periodic
18 escalations there might be and what you're
19 foregoing as well.

20 MR. TUMMONDS: Absolutely.

21 CHAIRPERSON MITTEN: Okay.

22 VICE CHAIRMAN HOOD: Madam Chair,
23 you said to me it's a little more than four

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2 feet. I've sat here nine years and I've voted
3 on a few projects that I went back and I'm
4 ashamed to even go around the corner. So, I
5 want to make sure that I make the best
6 informed decision that I possibly can.

7 So, Mr. Esocoff, to me it's a
8 little more than four feet. You know, he
9 asked the question. I want to see the view.

10 Thank you.

11 CHAIRPERSON MITTEN: Okay. And
12 how much time do you think you -- I don't see
13 this being on our March agenda.

14 COMMISSIONER TURNBULL: March. I
15 don't see that either.

16 CHAIRPERSON MITTEN: And I do want
17 to give our colleagues a chance to read the
18 record. So, why don't we do this.

19 Why don't we work backwards from
20 the April meeting and then that would also
21 give you an opportunity for some more
22 conversation with the ANC and others. And if
23 there were things that you wanted to modify,

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2 there would be time to make those changes.

3 SECRETARY SCHELLIN: Can you do it
4 by March 12th? And then we'll give the ANC
5 two weeks to respond.

6 MR. TUMMONDS: So, March 12th and
7 then --

8 SECRETARY SCHELLIN: Then they
9 would have until March 26th.

10 MR. TUMMONDS: Yes. We can do
11 that.

12 CHAIRPERSON MITTEN: Okay.

13 MR. TUMMONDS: And then findings
14 of fact, conclusions of law on the 26th as
15 well?

16 SECRETARY SCHELLIN: The 26th.

17 MR. TUMMONDS: Perfect.

18 MR. ESOCOFF: I apologize for
19 getting cranky.

20 CHAIRPERSON MITTEN: We won't hold
21 it against you the next time you come down.

22 All right. And I'm glad Mr. Hood
23 mentioned the fact that people have been very

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2 flexible about the rescheduling and so on and
3 the weather has considerably improved since a
4 week ago.

5 So, thank you very much. And
6 thanks for hanging in with us until this late
7 hour and we're adjourned.

8 (Whereupon, the above matter was
9 concluded at 10:45 p.m.)

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