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August 30, 2007

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By Hand Delivery

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, NW
Washington, DC 20001

Re: Zoning Commission Case No. 05-35; Horning Brothers and Stanton Square, LLC (the "Applicant") - Response to Issues Raised by the Zoning Commission at the July 9, 2007 Public Meeting and Motion to Reopen the Record to Respond to Issues Raised by Late Filed DDOT Report

Dear Chairperson Hood and Members of the Commission:

At the July 9, 2007, Public Meeting, the Zoning Commission requested further clarification of Condition Nos. 2, 5, and 6 of the Applicant's proposed Findings of Fact and Conclusions of Law. In addition, representatives of the Office of the Attorney General requested further clarification of Condition Nos. 2, 4, and 10 of the Applicant's proposed Findings of Fact and Conclusions of Law. Attached to this letter is a black-lined version of the Applicant's proposed Findings of Fact and Conclusions of Law that addresses the issues raised by the Zoning Commission and the Office of the Attorney General. (See Exhibit A.)

At the July 9, 2007, Public Meeting, the Zoning Commission requested further clarification of Condition No. 2 of the Applicant's proposed Findings of Fact and Conclusions of Law regarding the parties that will be responsible for the removal of the trash from the 30 trash receptacles that will be placed in the surrounding community. Attached to this letter is a chart that notes the location of the 30 trash receptacles in the surrounding community and the party that is responsible for servicing each of those trash receptacles. (See Exhibit B.) This chart was prepared by the ANC 8A Single Member District Commissioner and representatives of the Department of Public Works. Please note that the Applicant (referred to as the "Contractor" in the attached chart) will include a provision in the Stanton Square Homeowners Association Bylaws that requires the

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EXHIBIT NO. 44



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Stanton Square Homeowners Association to be responsible for removing trash from 14 trash receptacles in the surrounding community.

The Applicant notes that subsequent to the Zoning Commission taking proposed action to approve this PUD and Zoning Map Amendment application, the District Department of Transportation ("DDOT") filed a memo with the Zoning Commission on July 23, 2007 regarding the Applicant's Traffic Signal Warrant Analysis (Exhibit 40 of the record in this case.) In that memo, DDOT agreed with the findings of the Applicant's traffic and parking consultant that the intersections of Gainesville Street, SE and Elvans Road, SE, and Elvans Road, SE and Stanton Road, SE are not warranted for traffic signals. However, DDOT recommended that safety improvements be made at both intersections and that the Applicant be required to install new crosswalks and advanced pedestrian flashing beacons with appropriate signage to assist pedestrians crossing Elvans Road, SE.

In accordance with 11 DCMR §3024.5, the Applicant hereby makes a motion to reopen the record in the above-mentioned case to accept the Applicant's response to DDOT's July 23, 2007 memo, which was filed after the record in this case had been closed. There are no parties to this case that will be prejudiced by the Zoning Commission granting this motion to reopen the record, as Advisory Neighborhood Commission ("ANC") 8A is the only party in this case.

In response to DDOT's July 23, 2007, memo, the Applicant arranged a meeting with DDOT representatives to address DDOT's further recommendations. On August 3, 2007, the Applicant filed materials with DDOT that included a memo from O. R. George & Associates that provided its analysis that flashing/warning pedestrian lights are not warranted along Elvans Road according to the Manual on Uniform Traffic Control Devices (MUTCD) criteria. A copy of that memo is attached as Exhibit C. However, the Applicant did agree to re-paint the crosswalks, in accordance with DDOT standards, at the intersections of Stanton and Elvans Roads, SE; Elvans Road and Gainesville Street, SE; and Pomeroy and Stanton Roads, SE. This commitment is reflected as a new condition in the Applicant's proposed Findings of Fact and Conclusions of Law attached to this letter.

In a memo dated August 29, 2007, DDOT noted that it concurs with the O. R. George & Associates' analysis that the two intersections do not meet the signal warrant analysis and flashing lights are not required.



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The attached materials fully address the additional information that was requested by the Zoning Commission at the July 9, 2007 Public Meeting. Therefore, the application is ready for the Zoning Commission to take Final Action.

Sincerely,



Paul Tummonds

Enclosures

cc: See attached Certificate of Service



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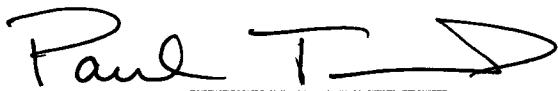
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this letter was delivered by hand-delivery and first class mail to the following on August 30, 2007.

Karen Thomas
Office of Planning
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Commissioner, ANC 8A07
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