

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

Case No. 05-20 (Asphalt Plant – Text Amendment)

Hearing Date: October 6, 2005

**STATEMENT OF JOSE ROUBIN
ON BEHALF OF ROUBIN ASSOCIATES, LLC AND ROUBIN & JANEIRO, INC.**

Good evening. My name is Jose Roubin. I reside at 1608 Fremont Lane, Vienna, Virginia 22182. I am a member of Roubin Associates, LLC, the owner of the asphalt plant currently located at 60 P Street in South East D. C., and am also Vice President of Roubin & Janeiro, Inc., the operator of the plant. These are jointly-owned companies and I am appearing on behalf of both entities to support the proposed asphalt plant text amendment.

With me tonight is our legal counsel, John H. C. Barron, Jr. of the law firm of Duane Morris LLP. Mr. Barron will address the legal aspects of the proposed text amendment following my remarks.

Roubin Associates and Roubin & Janeiro, Inc. are both Hispanic owned business that have owned and/or operated an asphalt plant in the District since the late 1970s. Through our manufacturing and delivery of asphalt materials we provide numerous jobs in the District and surrounding jurisdictions involved in the paving industry. We have owned this P Street South East property and paid real estate and income taxes to the District for more than 26 years.

The asphalt provided from this facility has primarily been used to service DDOT projects and city streets at a price considerably lower than our competition.

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As this Commission knows, industrial uses in general are being forced out of the District due to a variety of factors. This situation has led to a steady decline in the number of asphalt plants in the District.

In the early 80s there were four plants in town—Carson & Gruman, Tyroc, Faith, and Roubin & Janeiro. Now there are only two plants—ours and Fort Myer's (who bought Tyroc's and Faith's plants).

DDOT and other District officials have made it clear to us that they desire to keep our plant in the District so as to maintain competition in the District Government's asphalt procurement.

Based on this endorsement, we proceeded with and completed the installation of a state-of-the-art asphalt plant in 2004.

We had just started operating again when news of the proposed stadium came along. Needless to say, not knowing our destiny has prevented us from bidding on a number of substantial multi-year contracts and has threatened to end our business in the District altogether.

We are delighted that the Commission has agreed to consider the proposed asphalt plant text amendment and the possibility that we could relocate to DC Village as a matter of right. While this location is more remote than our current location, we are seriously considering this site. We cannot say for sure that the DC Village site will work for us until we have firmed up all of details with the District. Having the right to relocate is important to us and to the District. If after evaluation of the DC Village site, it is determined for some reason that it does not enable us to remain competitive, then having the option to pursue alternate locations by special exception could potentially be the difference between continuing to do business in the District or shutting down our plant operations for good.

It is possible that in order for us to operate a profitable business at the DC Village site, we may need to diversify our operations so as to generate additional revenue. We are considering the benefits of adding a small concrete plant on the site as well. We believe that a concrete plant would complement our existing asphalt business. With the numerous large scale projects coming up, the supply of concrete may help offset some of the disadvantages of having to relocate to DC Village. DDOT has expressed to us the need for a concrete plant in that area of the District and that they would support adding concrete operations at the DC Village site. Therefore, we would appreciate it if you would consider a refinement in the near future to the pending text amendment that would permit us to operate both a concrete and asphalt plant at the DC Village site as a matter of right.

We value our relationship with the District, especially DDOT, and are grateful for their support—and yours—regarding the pending text amendment. As you know, relocation of a plant involves, in some respects, more work than building a new one standing alone. We have to find a suitable site, prepare the site, prepare plans and specifications for the relocated plant, dismantle, transport and store the existing plant, obtain construction and operating permits, including air quality permits, pour foundations and reassemble the plant. During the period we close for relocation, there will be only one source of asphalt within the District. Hence, it is in both the District's interest and our interest, to minimize this relocation period. I urge prompt approval, since the District has notified us that condemnation of our land is imminent and we will need to cease operations within the next few months.

Thank you for this opportunity to speak in favor of the proposed text amendment. We would also appreciate your consideration in the very near future of our request to permit both asphalt and concrete plant operations at the DC Village site as a matter of right.