

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
: :
HORNING BROTHERS & : Case No.
STANTON SQUARE, LLC : 05-35
: :
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Thursday,
May 24, 2007

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

The Public Hearing of Case No.
05-35 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.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY HOOD	Vice Chair
GREGORY N. JEFFRIES	Commissioner
MICHAEL G. TURNBULL	Commissioner (AOC)
JOHN PARSONS	Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER

KAREN THOMAS

The transcript constitutes the
minutes from the Public Hearing held on May
24, 2007.

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

2 6:33 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 Thursday, May 24,
7 2007. And my name is Carol Mitten. And
8 joining me this evening are Vice-Chairman
9 Anthony Hood, and Commissioners Mike Turnbull,
10 John Parsons, and Greg Jeffries.

11 The subject of this evening's
12 hearing is Zoning Commission Case No. 05-35.
13 And this is a request by Horning Brothers for
14 approval of a consolidated planned unit
15 development and related map amendment for
16 property located at the intersection of
17 Pomeroy Road and Stanton Road, S.E. And it's
18 known as lots 60, 61, 78, 832, 835, 853-858,
19 873, 878, and 879 in Square 5877.

20 Notice of today's hearing was
21 published in The D.C. Register on April 13,
22 2007. And copies of that hearing announcement

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1 are available to you. And they're in the wall
2 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: we'll take up any preliminary
7 matters first; then we'll have the
8 presentation of the Applicant's case; a report
9 by the Office of Planning; reports of any
10 other Government agencies; the report of the
11 affected Advisory Neighborhood Commission (in
12 this case it's 8A); then we'll have
13 organizations and persons in support and
14 organizations and persons in opposition.

15 The following time constraints
16 will be maintained in the hearing: the
17 Applicant will have 45 minutes; organizations
18 will have five minutes; and individuals will
19 have three minutes. The Commission intends to
20 adhere to these time limits as strictly as
21 possible in order to hear the case in a
22 reasonable period of time. The Commission

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1 reserves the right to change the time limits
2 for presentations, if necessary and notes that
3 no time shall be ceded.

4 All persons appearing before the
5 Commission are to fill out two witness cards,
6 and they look like this. They're on the table
7 by the door. Upon coming forward to speak to
8 the Commission, we ask that you give both
9 cards to the reporter who's sitting to our
10 right.

11 Please be advised that this
12 hearing is being recorded by the court
13 reporter and is also being webcast live.
14 Accordingly, we ask you to refrain from making
15 any disruptive noises in the hearing room.
16 When presenting information to the Commission,
17 please turn on and speak into the microphone,
18 first stating your name and address. And when
19 you're finished speaking, please turn the
20 microphone off.

21 The decision of the Commission in
22 this case must be based exclusively on the

1 public record. And, to avoid any appearance
2 to the contrary, the Commission requests that
3 persons present not engage the members of the
4 Commission in conversation during a recess or
5 at any other time. Ms. Schellin and Ms.
6 Hanousek will be available throughout the
7 hearing to answer any procedural questions
8 that you might have. Please turn off all
9 beepers and cell phones so as not to disrupt
10 the proceedings.

11 I'd ask anyone who's planning on
12 testifying this evening to stand now, raise
13 your right hand, and Ms. Schellin will
14 administer the oath. Anybody who's planning
15 on testifying this evening, Ms. Schellin.

16 (Whereupon, the witnesses were
17 sworn in.)

18 CHAIRPERSON MITTEN: Thank you
19 all. Ms. Schellin, do you have any
20 preliminary matters?

21 MS. SCHELLIN: Just to advise that
22 we did receive the Affidavit of Maintenance

1 from the Applicant.

2 CHAIRPERSON MITTEN: Thank you,
3 Mr. Tummonds, any preliminary matters?

4 MR. TUMMONDS: The only
5 preliminary matters would be the expert
6 witnesses. We have, this evening, just two of
7 the witnesses we intend to present would be
8 James McDonald, the project architect. We
9 would like to have him in as an expert witness
10 in architecture, and Joe Plumpe, our landscape
11 architect. Mary Ramsey is here to answer any
12 questions you may have. She's out civil
13 engineer. Mr. George is not with us this
14 evening, but Iain Banks from O.R. George
15 Associates, is here to answer any questions
16 that you may have.

17 CHAIRPERSON MITTEN: So, are you
18 just proffering Mr. McDonald and Mr. Plumpe?

19 MR. TUMMONDS: And Ms. Ramsey, as
20 well.

21 CHAIRPERSON MITTEN: Okay. The
22 one question that I have then is, in Mr.

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1 McDonald's resume, there is no indication of
2 the length of his experience. I need you to
3 turn on the microphone and state your name for
4 the record. You turned it off again.

5 MR. McDONALD: My name is James
6 McDonald with the firm Lessard Group. We're
7 located in Vienna, Virginia. I've been a
8 registered architect since 1991, and have been
9 practicing on town home developments, single
10 family developments throughout the region, and
11 upper east coast.

12 CHAIRPERSON MITTEN: Okay. Thank
13 you. Oh, you're right, it does. I'm sorry.
14 Okay. Okay. So we have Mr. McDonald in
15 architecture, Ms. Ramsey in civil engineering,
16 and Mr. Plumpe in landscape architecture. Is
17 there any objection to accepting them as the
18 experts? Okay. Thank you. I didn't read
19 closely enough in your resume.

20 Okay. Then we're ready to go.
21 And I'd ask you for an abbreviated
22 presentation, focusing on DDOT recommendation,

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1 if you would.

2 MR. TUMMONDS: Absolutely. Thank
3 you, Madam Chair and members of the
4 Commission. Again, my name is Paul Tummonds
5 of the law firm of Pilsbury, Winthrop, Shaw,
6 Pittman.

7 In order to provide a complete
8 record for the case, we have filed additional
9 information with the Commission this evening.
10 We have an updated version of the community
11 amenities package. Mr. Roodberg is available
12 to address that. We expect the Single Member
13 District Commissioner from ANC-8A, Lendia
14 Johnson, here this evening as well. We've
15 also provided a hard copy of the Power Point
16 presentation and we have -- the final document
17 to be presented this evening are site plans
18 that have been modified since the submission
19 of our March 14th pre-hearing statement.
20 Those site plans include minor refinements to
21 curb radii, the alley entrances, traffic
22 entrances, to address the ability of trash

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1 trucks, fire trucks, and delivery trucks that
2 are likely to come to the site to be able to
3 make it into this project.

4 In addressing Commissioner
5 Mitten's issues with regards to the DDOT
6 report we just received today, I would note
7 that throughout the design review process, the
8 Applicant has sought to reconcile the requests
9 of the Zoning Commission and the Office of
10 Planning to maximize green space and reduce
11 paved area, with DDOT's somewhat strict
12 requirements for the dedication of public
13 streets and alleys.

14 The DDOT report filed this morning
15 highlights the problems that are created in
16 trying to make these streets and alleys
17 public. Therefore, the Applicant's going to
18 follow the alternative approach noted on the
19 first page of the DDOT report and construct
20 all the roads and alleys as private streets
21 and alleys. Mr. Roodberg will address the
22 relationship between the private streets and

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1 alleys further in his testimony, specifically
2 with regards to a proffer we're making this
3 evening that there will be a capital
4 contribution by the Applicant to the
5 Homeowners' Association of \$250 per unit, for
6 a total of \$46,750 for the Capital Reserves
7 Fund. Mr. Roodberg will address that in more
8 detail.

9 As discussed in detail in the
10 Applicant's pre-hearing statement, we believe
11 that this project does satisfy the PUD
12 requirements. It is consistent with the
13 Comprehensive Plan. We would also note that
14 the Office of Planning has agreed with those
15 analyses. In addition, the Office of
16 Planning's report states that this proposal
17 provides moderate density, single family
18 housing for low and moderate income residents
19 in this quadrant of the District. And the
20 related map amendment from R-2 to R-5A
21 district will accommodate a more compact
22 building design as an alternative to the more

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1 consumptive development pattern of the lower
2 density residential land use.

3 I think what I'd like to say in a
4 nutshell this means is that the town house
5 development that we're proposing is, we
6 believe, a better development than say would
7 be single family homes on this site.

8 We have the following witnesses
9 here this evening: Joe Horning and David
10 Roodberg on behalf of the Applicant, James
11 McDonald, our project architect, and Joe
12 Plumpe, our landscape architect. As I
13 mentioned, Mary Ramsey, our civil engineer and
14 Iain Banks, our traffic engineer are here to
15 address any questions you may have.

16 With that, I'll have Mr. Horning
17 present brief testimony.

18 CHAIRPERSON MITTEN: Okay. Well,
19 what I'm looking for is -- this is very nice,
20 the Power Point, but we're looking for
21 something a bit more condensed or accelerated;
22 your choice. Because I think we've reviewed

1 the materials and I think the Commission's
2 fairly comfortable with what they've seen.

3 MR. TUMMONDS: All right. We'll
4 go straight to Mr. McDonald. James, I know
5 we're having you do this a little bit on the
6 fly. If you could address the issues that
7 were raised --

8 CHAIRPERSON MITTEN: Well, since
9 he has 16 years of experiences, he's probably
10 able to cope.

11 MR. TUMMONDS: Perfect.

12 MR. McDONALD: My name is James
13 McDonald. I'll be happy to represent some of
14 the Commission's DDOT report that was turned
15 out today.

16 We have, as Mr. Tummonds had
17 mentioned, decided to work with this project
18 in a -- using private streets and private
19 alleys to better incorporate a more pedestrian
20 friendly, more traffic calming street pattern.
21 As you're aware, this project has a -- a very
22 fairly simple grid pattern with a one-way in

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1 street here and a two-way, one-way in one-way
2 out, and then a one-way street here.

3 The DDOT report has a couple
4 questions as far as the existing street
5 layout. Some of these questions are to add
6 additional parking by making this street here
7 one-way. We thought this would -- after
8 talking with -- some preliminary meetings with
9 DDOT, thought that this would probably make
10 more sense as continuing it as a two-way
11 street in with no street parking on it and
12 letting this -- this street -- this upper
13 street here and this street here be one-way
14 streets with traffic calming stop signs,
15 parking islands, to allow that to, you know,
16 add -- be the character of -- of the
17 neighborhood.

18 One of the DDOT concerns is, on
19 the upper portion of the site, whether --
20 whether this should be a one-way in and a one-
21 way out street. One of our initial concerns,
22 and we did look at that very early on in the

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1 project, is because of the grading and the
2 curve of this street, we thought than an exit
3 beyond the crest of this hill, with parking
4 possible along the street, would cause some
5 visual problems as far as somebody exiting
6 from that -- from that location. That's why
7 we have this as a one-way in -- or, sorry, a
8 two-way street with one -- one side parking.
9 And then continuing with two-way along the
10 front loaded town homes on -- backing up to
11 the church property here.

12 We are -- we are currently going
13 to look at the -- do a study into whether a
14 light would be required at this intersection.
15 And that is one thing that we will take a look
16 at and respond to DDOT's concerns.
17 Additionally, DDOT had a -- a comment on
18 whether to connect these two alleys here. And
19 that is something that we will take under
20 advisement and look into once we have the
21 chance to study that -- the ramifications.

22 Grading does not look like a large

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1 impairment along that area. We would need to
2 make sure that the grade along the existing
3 retaining wall next to the school, we would
4 not be adjusting that. The goal of this
5 project is to try and leave that retaining
6 wall as is and provide some landscape buffer
7 between that. So that's one thing, again,
8 that we're going to look at after reviewing
9 the DDOT report.

10 MR. TUMMONDS: Mr. McDonald, could
11 you address the issue of the sidewalk width,
12 the planting strip width?

13 MR. McDONALD: Certainly. As --
14 as part of our concept on the site, this is --
15 this is a low volume neighborhood; pedestrian
16 friendly. We want to create a lot of green
17 space along the street facades, along the
18 fronts of the town homes. As part of that, we
19 wanted to maintain a six foot planting strip
20 and reduce to a standard four foot sidewalk
21 throughout the interior part of the
22 development and along the perimeter of the

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1 development, as well. We -- we felt that the
2 pedestrian traffic, being the fact that
3 there's sidewalks on both sides of the streets
4 throughout all of the streets, allows plenty
5 of flexibility for all of the pedestrians
6 throughout the development to have -- have
7 common paths throughout, as well as through
8 the connection from the upper and lower
9 sections.

10 MR. TUMMONDS: Mr. McDonald, could
11 you -- one of the issues raised in the DDOT
12 report was, on that upper portion, having the
13 streets coming in be one-way so that would
14 allow additional on street parking so that up
15 to, I think, 60 on street parking spaces could
16 be provided. Could you address whether you
17 think that is beneficial, needed?

18 MR. McDONALD: Currently, the
19 development is parked with just the town home
20 units themselves at 1.3 parking spaces per
21 unit. The town homes have one or two car
22 garage parking off of the alley, all except

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1 for around 20 units, have -- have parking
2 individually within the unit. We're providing
3 32 spaces within the development for guest
4 parking, as well as the perimeter street has
5 additional street parking available. With
6 that -- with that parking count, we felt that
7 we would rather keep the streets narrow and do
8 the one-way or two-way streets. And that the
9 additional parking would really just add
10 pavement to the development and not add any
11 substantial benefit.

12 MR. TUMMONDS: Thank you.

13 CHAIRPERSON MITTEN: Okay.

14 MR. TUMMONDS: That concludes our
15 abbreviated presentation.

16 CHAIRPERSON MITTEN: Okay. Thank
17 you. I think we have some other questions.

18 MR. TUMMONDS: Great.

19 CHAIRPERSON MITTEN: But we'll get
20 to that. Thank you, very much. I think we'll
21 have the lights on. Yes. Great. Questions
22 from the Commission? What did you think the

1 timing would be to address the issues that you
2 mentioned in the DDOT report, including -- I
3 don't know how long it takes to do a warrant
4 analysis, a signal warrant analysis.

5 MR. McDONALD: As far as the
6 signal warrant analysis, I would have to --

7 MR. TUMMONDS: We could do that in
8 a week.

9 CHAIRPERSON MITTEN: Oh, in a
10 week? Okay. Because one of the things that
11 strikes me is that DDOT is, even though
12 they're asking for the warrant analysis, they
13 probably want more than that, depending on how
14 it turns out, is what I'm thinking.

15 MR. TUMMONDS: Yes. I think
16 that's a safe assumption.

17 CHAIRPERSON MITTEN: Okay. So I'm
18 just trying to figure out build in time lines
19 and so on. Okay. A week to do that? Okay.
20 And so that would be the longest issue to
21 address?

22 MR. TUMMONDS: I believe we could

1 resolve the other matters in the same amount
2 of time. Yes.

3 CHAIRPERSON MITTEN: Okay. Okay.
4 Any questions from the Commission?

5 MR. TUMMONDS: I don't know if --
6 may I add too? One of the things, as I
7 mentioned in my presentation, we have been
8 having this conflicting pressure of the paved
9 area versus the green space.

10 CHAIRPERSON MITTEN: Sure.

11 MR. TUMMONDS: And so, what we're
12 hoping to do as well is get some senses from
13 the Board if you think those are worthy things
14 for us to do. To take a look at losing some
15 of the green space, say to bring that drive
16 out to Elvans Road. Is that beneficial or
17 not. If you think it's worthy of us to do
18 that analysis, we'll do it. So that's some of
19 the feedback we're looking to as well.

20 CHAIRPERSON MITTEN: Okay.

21 MR. TUMMONDS: The same with the
22 alley connections.

1 CHAIRPERSON MITTEN: Okay.

2 COMMISSIONER PARSONS: Well,
3 excuse me. I wanted to explore that unnamed
4 street that DDOT is recommending comes out to
5 the main road there. And I'm trying to figure
6 out how people are going to turn around here,
7 at the end of that road. Traditionally, a
8 culdesac is put, which would take the green
9 space. So how are people going to maneuver
10 there?

11 I'm looking at sheet C-05. And I
12 grasp that these are driveways going into
13 garages along that street. Is that correct?

14 MR. McDONALD: Yes. In the --
15 along this street here, we have town homes
16 with front loaded garages. A vehicle would --
17 a larger vehicle could turn around using the
18 alley, and then drive back out through this
19 two-way street system that we have on the
20 upper portion of the site.

21 COMMISSIONER PARSONS: So it would
22 seem in Unit 138 that they're going to have to

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1 back across the street into the alley to
2 really maneuver to get out of there?

3 MR. McDONALD: From 138, they can
4 back into the street and then drive down the
5 street as a -- as a normal car or SUV. A
6 larger vehicle would have to back into the
7 alley to turn around.

8 COMMISSIONER PARSONS: So this
9 little circular -- semi-circular thing at the
10 end of the street, is that concrete island?

11 MR. McDONALD: That -- that is one
12 of our pocket greens.

13 COMMISSIONER PARSONS: A rain
14 garden or something of that nature?

15 MR. McDONALD: Oh, well, we do
16 have a rain garden at the end of that street.
17 But we also have a -- what we're referring to
18 as pocket parks; a -- a green area in front of
19 the town homes at the end of the street.

20 COMMISSIONER PARSONS: Oh. I
21 didn't ask it properly. At the end of the
22 road, there's a semi-circle.

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1 MR. McDONALD: You're referring to
2 this dotted area here?

3 CHAIRPERSON MITTEN: He's not
4 referring to the dotted area. There's a --
5 where the paving stops, it stops with like a
6 rectangular enclosure.

7 MR. McDONALD: Oh, that -- that is
8 a rain garden.

9 COMMISSIONER PARSONS: Oh. So
10 you're point is, with DDOT, or your debate is
11 that you feel there is very poor site distance
12 here?

13 MR. McDONALD: Yes. If you look
14 at the grading plan -- I don't believe I know
15 which sheet it's on -- the hill crests just
16 beyond the entrance to the upper portion of
17 the development, and then drops down towards
18 this -- this lower corner where the church
19 site it. That, with that, you would not have
20 any visibility of vehicles coming up over that
21 hill. It would be on sheet C-03. So not only
22 would you have cars parked along the inner

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1 radius of that -- of that curve, you would
2 also have the hill cresting before you and the
3 entrance of the upper portion. Thus,
4 visibility, I believe, would -- would be
5 deterred.

6 COMMISSIONER PARSONS: And have
7 you had that discussion with them or are you
8 just responding to their report and you
9 haven't had a dialogue yet?

10 MR. McDONALD: We -- we had it --
11 that discussion internally, why we did not
12 exit that street --

13 COMMISSIONER PARSONS: Yes?

14 MR. McDONALD: -- months ago,
15 because of that particular reason.

16 COMMISSIONER PARSONS: If you want
17 encouragement to keep that green space and
18 pocket park, I'll push for that. But I'm not
19 sure that will help you with DDOT.

20 MR. McDONALD: We -- we have done
21 the study that larger vehicles can turn around
22 at that -- at that juncture without inhibiting

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1 any private yards or spaces at -- at that
2 location.

3 COMMISSIONER PARSONS: All right.
4 Then I wanted to ask about the real viability
5 of these being private streets. And I don't
6 know who could answer that. I've lived in
7 town house communities where everybody was
8 happy until the road needed to be repaved, or
9 plowed, or whatever needs to be done and a
10 special assessment was made. Now, apparently
11 Mr. Horning is going to give \$250 a unit
12 start-up to get some interest running in the
13 account. But probably \$46,000 doesn't go very
14 far here. And I don't even know what the
15 asking price or the incomes are here. I mean,
16 can they really afford 15-20 years from now to
17 do repaving and those kinds of things that
18 might occur?

19 MR. ROODBERG: Hello. My name's
20 David Roodberg of Horning Brothers. We did --
21 we have been researching the public private
22 road issue, given the discussions with DDOT.

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1 The Homeowners' Association fees of other
2 neighborhoods that have private roads range
3 from \$25-\$40 a year more than public roads.
4 And that includes establishing a reserve for
5 long-term capital repairs, as such. And that
6 was how we determined to come up with the \$250
7 as the capital contribution, in order to
8 develop -- to grow with interest and to
9 establish up front, in order to defray any of
10 those costs long term.

11 MR. TUMMONDS: I think we'll --
12 it's interesting. What we found is that the
13 most significant cost in the Homeowners'
14 Association fees is not the maintenance of the
15 roads or the reserves for that. It's the
16 trash removal and the snow removal. Those are
17 -- and that was interesting to me, because I
18 would have thought it would have been much
19 more. The maintenance of the road is \$25 a
20 month.

21 MR. ROODBERG: Right. Actually,
22 it's less than that. The \$25-\$40 is all

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1 inclusive. The maintenance of the roads --
2 roads that are not heavily traveled like this
3 tend not to be repaired for a very extensive
4 period of time. So it's actually the \$25-\$40
5 includes establishing a capital reserve, as
6 well as the trash pick up.

7 COMMISSIONER PARSONS: Okay.
8 Thank you.

9 CHAIRPERSON MITTEN: Anyone else?
10 Mr. Hood?

11 VICE-CHAIRPERSON HOOD: Yes.
12 Let's talk about the trash pick-up. Now that
13 we're having private roads, who's going to
14 pick up the trash. The Homeowners'
15 Association, I guess, is going to find
16 somebody to pick it up, a private hauler?

17 MR. ROODBERG: That's correct.
18 That's where the number comes from for the
19 additional HOA fees.

20 VICE-CHAIRPERSON HOOD: Mr.
21 Tummonds, you mentioned in your opening
22 statement that you thought that -- well, the

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1 Applicant thinks that it's better to do town
2 homes, as opposed to single family homes. Are
3 you aware that the Office of Planning is doing
4 a study on R-5A in this area from relooking to
5 revisit? And I think they're doing all of
6 Ward 8. I may be speaking out of school here,
7 but I think they're doing all of Ward 8. Are
8 you aware that they're looking at R-5A in Ward
9 8, saying there's an abundance of R-5A zoning
10 in Ward 8? The new Ward 8.

11 MR. TUMMONDS: Yes. I am aware of
12 that. And I think the Office of Planning has
13 supported this type of town house community on
14 this site. There's -- I think, like you said,
15 there's R-5A districts in close proximity to
16 this site. I think it's also interesting, in
17 our discussions with the ANC and the
18 community, they were very supportive of the
19 town house product. We heard again and again,
20 no more garden apartment complexes. There's
21 plenty of that. But they also felt that town
22 homes and an appropriate amount of town homes

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1 would be a good opportunity for this site for
2 numerous families, community members, people
3 who are in the community now to be able to
4 have a home ownership opportunity in -- these
5 are nice sized, I would say, starting family
6 type units and stay in the community. I think
7 it is because of that type of product we're
8 providing, we do have the ANC support and the
9 community support for this project.

10 VICE-CHAIRPERSON HOOD: Okay. I'm
11 looking at the amenity package. And, you
12 know, normally I don't think we get, at this
13 point, into such level of detail. But I think
14 that we really need to find out about the 30
15 commercial trash receptacles. Who's going to
16 pick that up? Is the private hauler also
17 going to be responsible for that?

18 MR. TUMMONDS: Ms. Johnson is here
19 tonight; the ANC Commissioner. I know that
20 she's done extensive work in dealing with DPW
21 about who would pick that up. I think she --
22 she's going to have a much more up to date

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1 answer than I will. But I know that she's
2 looking into that. And that was a big -- that
3 was a big issue in the -- in having these.
4 Because, like you said, it doesn't do any good
5 to have these trash cans that are out and no
6 one's picking them up and they're overflowing
7 with garbage.

8 VICE-CHAIRPERSON HOOD: Okay.
9 Well, I'll ask Ms. Johnson when she comes up.
10 And also, and I'm sure Ms. Johnson is taking
11 of this too, but the Home Buyers' Program;
12 it's already -- MANNA already obviously has
13 something in place. When is that going to be
14 executed? Because, from what I'm -- the
15 purpose of it, when I look here and I see the
16 purpose of it, it's to help citizens become --
17 District residents become financial. And, you
18 know, sometimes things move a little faster
19 than this can happen. So I just want to know
20 when exactly is that going to start.

21 MR. ROODBERG: We plan on starting
22 that as soon as we have zoning approval. We

1 plan on initiating it so that we can have
2 beginning introductory educational sessions,
3 financial literacy sessions, sessions to get
4 people prepared as far as putting together the
5 documentation they would need to be
6 homeowners.

7 VICE-CHAIRPERSON HOOD: So, once
8 the zoning approval is given, if it's given,
9 then this starts? So you wouldn't have any
10 problems with that being in the order?

11 MR. ROODBERG: I have no problem
12 with that being in the order.

13 VICE-CHAIRPERSON HOOD: Okay.
14 That's all I have. Thank you.

15 MR. ROODBERG: Thank you.

16 CHAIRPERSON MITTEN: If I could
17 just follow up on some of the questions that
18 Mr. Hood was asking, I think there's several
19 open issues in the amenities package. And one
20 of them is fleshing out things like saying
21 "work with MANNA" is very open-ended. So,
22 when would the seminars start and how many

1 would there be? And I think I understand
2 there's probably some fluidity to it. So it
3 might help to have a letter from MANNA saying
4 exactly what they intend.

5 And then, I think we do need to
6 have sorted out, and we'll hear from
7 Commissioner Johnson. But we do need to sort
8 out whether these receptacles will be emptied.
9 And, if not, then there'll need to be a
10 substitute amenity, I suppose.

11 And then, we have an open-ended
12 contribution to the recreation center. And,
13 as you know, we don't like open-ended
14 contributions. And I know that it says again,
15 "work with members of the Civic Association
16 and DPR" but I --

17 MR. TUMMONDS: I'm sorry. The
18 document we handed to you today?

19 CHAIRPERSON MITTEN: Okay.
20 Computers? Okay.

21 MR. TUMMONDS: And technical
22 support on those computers.

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1 CHAIRPERSON MITTEN: And technical
2 support. Okay. And then, okay again, now you
3 have to bear with me a second. The signage:
4 it says for the creation and installation.
5 Does that mean the Applicant will install the
6 signage? Or is the intent to give \$15,000 to
7 an entity to do this?

8 MR. ROODBERG: The Applicant will
9 install it.

10 CHAIRPERSON MITTEN: Okay. So we
11 would expect to have the signs in the
12 locations that are now specified by the time
13 that you either pull a permit or get your CFO
14 it. It depends on -- you guys can flesh that
15 out when you give us the proposed order, at
16 some point. But those are the kinds of things
17 that we need to just tie down.

18 So, thank you, Mr. Hood, and the
19 spirit of what you were asking. Anyone else?
20 Commissioner Turnbull?

21 COMMISSIONER TURNBULL: Thank you,
22 Madam Chair. I was wondering if we could

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1 maybe just get an update on the parking -- the
2 amount of parking that's being provided?
3 Going back through the original reports and
4 the original number of 226 to where we are now
5 with the current plan. I mean, I guess, in
6 your report, you refer to attachment E, but I
7 don't find attachment E.

8 MR. TUMMONDS: Mr. McDonald, could
9 you?

10 MR. McDONALD: Well, one -- one of
11 the variables that we have within this project
12 is, as -- as the project is parked with the
13 standard garage layout, it's parked at 1.3
14 parking spaces per unit. There is an option
15 -- there are options within the town home
16 units to give up a den on a lower level and
17 pick up a second parking spot on some of the
18 -- a second parking space or garage space
19 within the unit as a tandem configuration.
20 But the -- I'll get you the direct number.
21 One second please.

22 I currently have the old one,

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1 which is set at 237 parking spaces. I don't
2 -- oh, do you have the new one?

3 MR. TUMMONDS: Yes. At the 1.3,
4 we have a minimum of 243 spaces, internal.

5 MR. McDONALD: Thank you.

6 MR. TUMMONDS: That's the 187
7 times 1.3. With the option for -- the options
8 for the additional space inside those garages,
9 it could be 267-287.

10 COMMISSIONER TURNBULL: But is
11 that just a theoretical number, just
12 multiplying? Or have you actually looked at
13 the streets and figured it out.

14 MR. TUMMONDS: No. That doesn't
15 include the -- those are internal to the --

16 COMMISSIONER TURNBULL: The town
17 homes?

18 MR. TUMMONDS: -- the town homes.

19 COMMISSIONER TURNBULL: Just the
20 town homes?

21 MR. TUMMONDS: There are 32 on-
22 street.

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1 COMMISSIONER TURNBULL: So 32 on
2 the street.

3 MR. TUMMONDS: Right.

4 COMMISSIONER TURNBULL: With your
5 reconfigured plan and the one-way, and --

6 MR. TUMMONDS: Yes. Correct.
7 Correct.

8 COMMISSIONER TURNBULL: Okay.

9 MR. McDONALD: That does not count
10 any parking outside of the development. That
11 is just within the development.

12 COMMISSIONER TURNBULL: Okay.
13 Because I know originally they were a concern
14 from the ANC about not having enough guest
15 parking and them going into the neighborhood.
16 So I just wanted to -- okay. Thank you.

17 You talk about, on the sustainable
18 design, the low impact for the site. As far
19 as sustainable design, what about the
20 buildings themselves? To what degree are you
21 incorporating sustainable features?

22 MR. McDONALD: I know one of the

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1 things we have talked about and we've -- we
2 have not gotten into the sustainability within
3 the architecture itself, but there are -- we
4 have talked about offering green options as
5 far as finish options; sustainable options
6 like that within the unit. But we do not have
7 that level of detail determined at this point.

8 COMMISSIONER TURNBULL: Okay.
9 Thank you.

10 CHAIRPERSON MITTEN: Thank you,
11 Mr. Turnbull. Anyone else? Mr. Jeffries?

12 COMMISSIONER JEFFRIES: Just my
13 typical question with projects -- residential
14 projects in Ward 7 and 8. What is the
15 differential between -- and this is probably
16 for Mr. Roodberg -- between what is market
17 rate and then what is affordable, particularly
18 at 80 percent of the area median income?

19 MR. ROODBERG: We have prepared a
20 market study. And the market prices for these
21 units would be in the low to mid \$300,000,
22 right now.

1 COMMISSIONER JEFFRIES: Yes?

2 MR. ROODBERG: The 80 percent of
3 median income is about, depending on the
4 household size, \$240,000, give or take the 60
5 percent; about \$170,000 - \$180,000. So that
6 -- so, if you take the 40 units at the
7 \$240,000 and the 43, and the 20 units at the
8 \$170,000, it's about a \$4-5 million
9 differential.

10 COMMISSIONER JEFFRIES: Okay.

11 Okay. Thank you.

12 MR. ROODBERG: You're welcome.

13 CHAIRPERSON MITTEN: Mr. Parsons?

14 COMMISSIONER PARSONS: Will there
15 be any covenant in the bylaws to preclude
16 people from fencing their front yard? Have
17 you thought about that? Individual
18 expression.

19 MR. HORNING: Yes. We have.

20 Thank you.

21 MR. TUMMONDS: Mr. Horning can
22 answer that question.

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1 MR. HORNING: Yes. I -- I mean, I
2 think what -- we don't want to play God here,
3 but I do believe that the community, in the
4 best interest of -- of everybody, we can come
5 up with some --

6 COMMISSIONER PARSONS: I think you
7 should. If it starts -- one puts out split
8 rail; the other one puts in chain link and
9 they're trying to keep the neighbor's dog out
10 of the front yard. And it's just not right.
11 These are too shallow.

12 MR. HORNING: Yes. Yes. Well,
13 said.

14 MR. McDONALD: To contribute to
15 that, this is -- this is looked at as an
16 overall community where the elevations of town
17 home units and the colors are going to be --
18 are pre-determined as well as the exact unit
19 location per -- per their size. So that level
20 of control, as far as the streetscape in the
21 front environment, we definitely want to
22 include that, as far as bylaws to control

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1 that.

2 CHAIRPERSON MITTEN: All right.
3 Anyone else? Okay. Commissioner Johnson, do
4 you have -- is there a Commissioner Johnson
5 here? You have the opportunity to cross
6 examine the Applicant's witnesses. Would you
7 like to do that? Do you have any questions
8 for them? Okay. We'll call you up in just a
9 minute. Okay. Thank you all very much. Now
10 we're ready for the report by the Office of
11 Planning. Ms Thomas?

12 MS. THOMAS: Good evening, Madam
13 Chair and members of the Commission. The
14 Office of Planning is recommending approval of
15 this project to develop this vacant 8.1 acre
16 parcel. We believe that we've worked with the
17 Applicant for over two years, and they've
18 tried to satisfy a lot of the concerns we've
19 had and the Commission had with the previous
20 submission. It satisfies the PUD evaluation
21 standards of Chapter 24, and offers the
22 community a number of quality public benefits.

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1 More importantly, looking at the
2 impact -- the environmental impact on the
3 neighborhood, it introduces low impact
4 standards in areas where none previously
5 existed before. And this is -- the project
6 itself is an example of smart growth
7 principles, supported by the District.

8 And, to conclude, we believe that
9 the project integrates the vacant parcel in a
10 long standing community already served by
11 infrastructure and public transportation. And
12 we support the project, subject to conditions
13 of DDOT.

14 CHAIRPERSON MITTEN: Thank you.
15 Any questions for Ms. Thomas? Does anybody
16 have any questions for Ms. Thomas? Mr.
17 Tummonds?

18 MR. TUMMONDS: No questions.

19 CHAIRPERSON MITTEN: Commissioner
20 Johnson, any questions for Ms. Thomas? Okay.
21 Thank you, very much. Thank you, Ms. Thomas.
22 Anybody here from DDOT? Long shot. Okay.

1 Ms. Johnson, we're ready for you.

2 MS. JOHNSON: Thank you. Good
3 evening. My name is Lendia Johnson. I'm
4 Commissioner for 8A-07, which includes the
5 area that they plan to put these properties.
6 I've been a Commissioner, my second term. So
7 -- but it's my first -- second hearing. So
8 excuse me.

9 I just wanted to say that, as an
10 ANC Commissioner, we've met a couple of times
11 on this project. We had some initial
12 questions about the -- the parking and about,
13 you know, some things that, as far as the
14 Homeowners' program, the costs. Folks wanted
15 to know about the design.

16 But, in the end, what we did on
17 May 1, we voted to approve the project because
18 we felt it was a -- a way to bring start-up
19 homes. When I first moved to this city, folks
20 always talked about starter homes for younger
21 folks. And we looked at it as a way for folks
22 to move out of some of the apartments that we

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1 had in the area and perhaps move up into
2 starting a home, so they can build equity into
3 and -- and grow. I was -- well, I bought my
4 first house at 24. And I'm still there.

5 And then the Commission submitted
6 a letter in support of the project to the
7 Zoning Commission on May 10. I have been
8 working with the Horning Brothers' project
9 since about 2005. There was some concern
10 about some other properties in the areas with
11 the other ANC Commissioners. We did work to
12 get those problems eradicated.

13 I work for MPD and MPD was brought
14 in to help with some of the problems. We put
15 a closed circuit television in the area to
16 help with -- to keep criminal activities down.
17 This is another property away from this. And
18 I just wanted to say, in working with them,
19 that relationship had been built.

20 I have found them -- the Horning
21 Brothers to be responsible on the issues
22 because they responded to our concerns about

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1 the previous property and also about our
2 concerns about this property. I've worked
3 with Mr. Roodberg and Mr. Tummonds about
4 creating the amenities package.

5 I know you asked about the trash
6 receptacles that we want to have installed.
7 One of the things that you see in our
8 neighborhood is a lot of folks in the older
9 homes hang plastic bags outside. We do not
10 want to see that continue. We want to have
11 trash receptacles in the -- on our street
12 corners. So I've been working with Public
13 Works, the Waste Inspector, and I've been
14 working with their site persons to identify
15 all the places that we could put trash
16 receptacles. Right now they have them at the
17 bus stops only. And we need them in -- on the
18 corners, so folks don't have to drop their
19 candy papers and other bottles and things on
20 our streets.

21 And also, any other tangible
22 benefits that could benefit the community,

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1 like the signage. Right now, our -- our deeds
2 to our property say Berry Farms. But in 1873,
3 Berry Farm was part of a bigger piece of land
4 from St. Elizabeth. And it was changed to
5 Hillsdale. The community is trying to reclaim
6 that -- that name. And so, in doing so, we
7 have the town homes of Hillsdale exist -- I
8 think it's Hillsdale Place. We're trying to
9 resurrect the Hillsdale Civic Association.
10 These are things that were back in the 1800s.
11 And, with the signage, we want to say welcome
12 to Hillsdale or a great day in Hillsdale. And
13 so that we can establish a real identity for
14 our community.

15 As you know, Berry Farms is
16 relegated to an apartment -- well, a public
17 housing complex down at the bottom of the
18 hill. But it's still part of our community.
19 But we want a -- want folks to know that we
20 are an established community and want to be
21 seen as such.

22 On April 23, I had a special

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1 meeting with my constituents in my Single
2 Member District. We had about 60 folks at the
3 meeting. So most of the folks -- some of the
4 folks were homeowners; some of the folks were
5 new homeowners at the town houses of
6 Hillsdale; some of them lived in the condos;
7 and some of them lived in the adjacent
8 apartments in and around the area. And they
9 all was receptive of the idea of these starter
10 homes -- places where folks could graduate
11 into it in the community.

12 Folks wanted to know how to -- and
13 that's how the Homeowners' -- Home Buyers'
14 Club came about. Because I wanted a way for
15 some of these folks to graduate into a
16 property. So that's when we decided to do the
17 Home Buyers' Program and I talked to the
18 Horning Brothers about their support.

19 I think that the support this
20 project have received is base on the -- the
21 quality of the town homes. Looking at their
22 schematics is that they offer sort of a

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1 different -- well, sort of in the same
2 character of what we had, but sort of slightly
3 difference where it looks like a village sort
4 of feel, as well as everything is not all so
5 uniformed and so polished in to, you know, a
6 picture. You know how you have a snapshot of
7 the next house, so you know, so that, we
8 thought that was a very good idea.

9 We liked the fact of the open
10 spaces and we appreciate the layout of the
11 houses with the porches and the step-out into
12 the surrounding street. When this project was
13 first brought to me in 2005, I totally
14 rejected it because I do not want an us and
15 them neighborhood where you have a gated
16 community. You enter -- your -- your parking
17 is in my face. You know, so that was changed.
18 And everything is now rear-loaded, garages in
19 the back. And we don't have to see people
20 taking their groceries in.

21 And -- and we just believe that
22 this will be -- will -- will really increase

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1 the value of our properties that's in and
2 around the -- the new development that they're
3 proposing. We also believe that it will
4 enhance folks in the neighborhood that live in
5 their apartments that graduated to this will
6 become better stewards of the neighborhood.
7 So we're looking at that as a -- as a
8 positive.

9 We really want to see the town
10 house developed on this property. The town
11 homes that this project is providing will
12 allow existing residents, as I say, a change
13 to purchase and to stay in our neighborhood.
14 The -- the option really does not exist right
15 now in the community because if someone -- I'm
16 living in the oldest -- older section. If
17 someone moves out, those houses are sold at
18 market rate. Their much higher than someone
19 trying to get a first time home buyers', you
20 know, and move into this planned development.

21 And I just believe that the --
22 that the mix will -- will help folks bring the

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1 neighborhood up; bring the neighborhood from
2 what we've been experiencing, a lot of crime
3 and a lot of disorder, up into a better scale.
4 And I just think that we -- you know, we'll
5 have a change to welcome our new neighbors;
6 look forward to working with them.

7 The new neighbors that we received
8 in the Towns of Hillsdale has been -- we've
9 got an e-mail traffic going about different
10 things that happen and we try to have, you
11 know, activities and meetings and seminars for
12 folks to participate. And I really support
13 this project because I think that this will
14 add to what we already have.

15 CHAIRPERSON MITTEN: Thank you,
16 very much. Just on the point that Mr. Hood
17 had asked about earlier about the -- you
18 mentioned that there's a conversation going on
19 with DPW about emptying the trash receptacles.

20 MS. JOHNSON: Yes?

21 CHAIRPERSON MITTEN: It sounds
22 like you don't quite have a commitment yet?

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1 MS. JOHNSON: Well, we -- no.
2 Because one of the things that we've been
3 discussing is the times of pick-up. DPW wants
4 to pick up at 3-4:00 in the morning. And
5 we're trying to not disturb out neighbors by
6 having this pick-up during that time of -- of
7 hour. So what we're trying to do is work that
8 out. Perhaps they can be picked up during
9 regular trash day. Our trash day is on Friday
10 and it's usually like 7-8-9:00 in the morning.
11 So that's the things that we're trying to work
12 out. And I'm still in conversation with them.
13 We met last Friday.

14 CHAIRPERSON MITTEN: Okay.

15 MS. JOHNSON: So we haven't met
16 since then. So that's where we are with that.

17 CHAIRPERSON MITTEN: Okay.

18 MS. JOHNSON: And also, I have
19 talked to Horning Brothers that, if we cannot
20 get the city to take this responsibility, that
21 we would, you know, talk to them about them
22 taking the responsibility when they have their

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1 trash pick-up. So that's where we are right
2 now; it's just trying to work out the details.

3 CHAIRPERSON MITTEN: Okay. Thank
4 you. Anyone have questions for Commissioner
5 Johnson?

6 COMMISSIONER JEFFRIES: Quick
7 question. Commissioner, were you at all
8 involved or your ANC involved with a lot of
9 the visioning work for Berry Farms?

10 MS. JOHNSON: Well, Berry Farms
11 actually exists in another ANC.

12 COMMISSIONER JEFFRIES: Oh, okay.

13 MS. JOHNSON: But it's part of our
14 community. We do -- some of us -- because you
15 can't be everywhere -- some of us do go to
16 those new community meetings that you're
17 taking about.

18 COMMISSIONER JEFFRIES: Sure.

19 MS. JOHNSON: And have reported
20 back to the group as what's going on. But
21 it's -- that's in 8C.

22 COMMISSIONER JEFFRIES: Okay.

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1 MS. JOHNSON: That 8C comes down,
2 I think, to Talbott Street. So they're now in
3 a new Commission.

4 COMMISSIONER JEFFRIES: So was
5 there anything, I mean, did any of the new
6 communities work and form this particular
7 development at all? Was there any kind of
8 discussion around --

9 MS. JOHNSON: No.

10 COMMISSIONER JEFFRIES: Any?
11 Okay.

12 MS. JOHNSON: No. Because that
13 has been totally separate.

14 COMMISSIONER JEFFRIES: Okay.

15 MS. JOHNSON: Dealing with the
16 residents and their issues at Berry Farms and
17 I think Park Chester is a part of that, and
18 that area up, you know, around Berry Farms.
19 But we're across Suitland Parkway, up the
20 hill. So we have not participated on that
21 level. But some community leaders, like I
22 said, have gone to the Berry Farms meetings.

1 COMMISSIONER JEFFRIES: I might
2 want to, you know, engage the Office of
3 Planning a little bit more on that. I just
4 wanted to get a -- if there was any kind of
5 synergy at all between the Berry Farms, the
6 community discussions, or they're two separate
7 tracks, completely?

8 MS. JOHNSON: Two.

9 COMMISSIONER JEFFRIES: Okay.
10 Well, thank you.

11 MS. JOHNSON: Okay.

12 CHAIRPERSON MITTEN: Anyone else
13 for Ms. Johnson?

14 VICE-CHAIRPERSON HOOD: I'll just
15 say, Ms. Johnson, I was glad to hear your
16 comments about the receptacles, but I have a
17 confidence level of knowing your past position
18 in the former administration that you will
19 definitely make sure that this is worked out.

20 MS. JOHNSON: Yes. That's what I
21 do.

22 VICE-CHAIRPERSON HOOD: I just

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1 wanted to put that on the record. Thank you.

2 Thank you, Madam Chair.

3 CHAIRPERSON MITTEN: Anyone else?

4 Mr. Tummonds?

5 MR. TUMMONDS: No questions.

6 CHAIRPERSON MITTEN: Okay. Thank
7 you, very much. Good to see you.

8 MS. JOHNSON: Thank you.

9 CHAIRPERSON MITTEN: Anyone who'd
10 like to testify in support of the application?
11 Please come forward. Anyone else? Did you
12 fill out the witness cards? Okay. I need you
13 to press the button on the base to turn the
14 microphone on. Very good.

15 MS. COOK: Good evening.

16 CHAIRPERSON MITTEN: Hi.

17 MS. COOK: My name is Addie Cook.
18 That's with an E. I live at 2407 18th Street
19 S.E. That's in Fort Stanton. I've been at
20 this address since -- my permanent address,
21 since 1952. I'm President of the Fort Stanton
22 Civics Association. I've been President of

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1 the Civic Association since 1985.

2 I have been knowing about Horning
3 Brothers for a long, long time. And it hasn't
4 always been good. Because we had wondered
5 when were they going to ever do something
6 about that wooded area that was in our
7 community.

8 And about two years ago I saw in
9 the paper that they were going to build some
10 town houses on Elvans Road. And I said how
11 dare them decide to build some town houses and
12 don't come to the community? I completely
13 forgot about the ANC because I had just been
14 in the Civic Association for so long.

15 But I called Ms. Johnson up and I
16 told her whenever you meet, let me know.
17 Because the area is in the area where my Civic
18 Association is. And I said what are they
19 going to do with all these town houses? Where
20 are the kids going to go? There's got to be
21 some kids coming.

22 So I thought about our poor little

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1 raggedy recreation center, which is very
2 raggedy; the one small room. But anyway, we
3 had our meeting. I got to know the people;
4 the representatives from the Horning Brothers.
5 And we got along very well. And we've been
6 working together for about two years. In
7 fact, we -- we have gotten to the point now
8 that I don't think bad about them any more.

9 I came in because I feel that one
10 of the roles of our Civic Association is to
11 help to make sure that the Fort Stanton
12 Community Center provides services to all the
13 residents of Fort Stanton. That includes the
14 young and the old. Right now, some of the
15 young are being served. The old are left out.
16 We have no senior program.

17 And I thought it would be a good
18 opportunity to get some assistance as a friend
19 of Fort Stanton Recreation Center from the
20 Horning Brothers. After all, they building
21 some homes out here. And they're town homes.
22 And, after talking with them, I found that

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1 they're going to be affordable.

2 So I -- I asked them, I said well,
3 would you be willing to make some -- do
4 something for our recreation center so that it
5 can serve the community better? And we have
6 been working together very well. And there
7 was a mention about the amenities -- the
8 computers. They didn't mention what I also
9 asked for. I asked for a stadium for the
10 seating for the recreation center for the
11 games. They didn't say I was going to get it,
12 but I asked for it .

13 I also asked that they would
14 consider a senior handicapped housing. But I
15 wasn't in on the original plans and their
16 plans are already completed. But I have no
17 problem with Fort -- with the Horning Brothers
18 building the town houses in Fort Stanton, in
19 my community. And I welcome them.

20 And I do know that we need
21 computers at our recreation center, very well
22 -- very badly. Because I think we have three,

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1 and two are working. And the children in my
2 community don't have access at home for
3 computers, most of them do not. A few of them
4 do. But the ones that are in school don't
5 have them. So that would be a very good
6 contribution for us.

7 And it presents -- it provides --
8 well, it would be a major benefit to the
9 community. And, at this point, I just want to
10 say I have no problem with the 187 town houses
11 that's coming and we welcome them.

12 CHAIRPERSON MITTEN: Thank you,
13 Ms. Cook. Any questions of Ms. Cook? Any
14 questions? Mr. Tummonds?

15 MR. TUMMONDS: No questions.

16 CHAIRPERSON MITTEN: Commissioner
17 Johnson, did you have any questions for Ms.
18 Cook? Okay. Thank you, very much.

19 MS. COOK: You're welcome.

20 CHAIRPERSON MITTEN: You'll have
21 to cultivate a successor for you as the
22 President of the Civic Association one of

1 these days. Okay. Anyone else who'd like to
2 testify in support? All right, anyone who'd
3 like to testify -- in support? Okay. Come
4 forward if you're ready to testify in support.
5 You could give her the cards first. Give her
6 the cards.

7 MR. SHOATZ: Okay. Good evening.
8 My name is Jamil Shoatz. I'm a Ward 8
9 resident. I live on Gainesville Street, right
10 across -- cross section of the Elvans Road
11 area.

12 I'm in support of what the Horning
13 Brothers' company is doing. I just wanted to
14 ask, is there any type of building that -- any
15 type of environmental like green places, once
16 things become knocked down and the buildings
17 go up. Is there going to be like some type of
18 environmental friendly things going up?

19 CHAIRPERSON MITTEN: This is for
20 you to testify. But since Mr. Tummonds seems
21 very willing to respond to you, we're just
22 going to break with our normal protocol here

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1 and he'll answer your question.

2 MR. TUMMONDS: Absolutely. What
3 we can do is, after we're done here, we can
4 show you our plans.

5 MR. SHOATZ: All right. Well,
6 that's basically was what I wanted to know.

7 CHAIRPERSON MITTEN: Okay. Great.

8 MR. SHOATZ: Thank you.

9 CHAIRPERSON MITTEN: Okay. I
10 guess we don't have any questions for you. And
11 we'll get your questions answered. And
12 everybody will be happy. Thank you. Okay.
13 Anyone else in support? Anyone who'd like to
14 testify in opposition? Yes, Ma'am? Anyone
15 else who'd like to testify in opposition, you
16 can come forward now.

17 MS. HAWKINS: Good afternoon, my
18 brothers and sisters. Is this on?

19 CHAIRPERSON MITTEN: Yes, Ma'am.

20 MS. HAWKINS: Okay. My name is
21 Hannah M. Hawkins. I'm a native
22 Washingtonian. I've lived in Anacostia most

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1 of my life. I live approximately two blocks
2 from the proposed site that is supposed to be
3 built by Horning Brothers.

4 It may seem that I'm a little
5 agitated. I am. Because most of the
6 residents in this area was not notified.
7 Whether it was through their neglect, I don't
8 know. But I now I want not. And I'm a former
9 ANC Commissioner. And I'm also a D.C.
10 Monitor. And I have a center right in the
11 area where I service hundreds of children per
12 day.

13 Did home owners just across the
14 street from the planned development get notice
15 from Zoning, the developer, the ANC, or what?
16 The site is -- excuse me, I don't have the
17 right glasses on, so I'm sort of looking over
18 this paper.

19 The site is zoned for single
20 family homes and should remain that way. This
21 area is, and I emphasize this, this area is
22 the suburbs of the city. And we do not want

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1 to be like New York City with nowhere to park,
2 nowhere for our children to go to school or
3 play, without having to leave the community.
4 Nowhere to breathe clean air, overcrowding,
5 already congested transportation system.

6 Now this proposed site is
7 approximately a building or two from a school.
8 We already have congestion, leading down to
9 Stanton Road to Suitland Parkway. During the
10 morning, Suitland Parkway, if you know
11 anything about that area, is highly congested.

12 Zoning is supposed to help
13 stabilize neighborhoods, not destroy them.
14 Please afford us the same protection you give
15 to the neighborhoods in Georgetown, Capitol
16 Hill, and so forth. Stop zeroing in on us.
17 The erosion of zoning in Ward 8 needs to stop
18 right now.

19 And I'd like to make another
20 statement. Now developers are getting big
21 deals from the Government if they allow
22 Section 8 families to move into the new

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1 development. It is a no-win situation from
2 the beginning when troubled families are
3 bunched together and placed in a new complex.
4 They bring with them the same problems that
5 caused the demolition of the projects. Plus,
6 the working class move out, leaving the
7 developer with no other choice but to increase
8 its section 8 in order to pay the mortgage.

9 The so called new development
10 becomes the new project and it's residents
11 TNT, which is a symbol that we have, the new
12 termite. Housing does not clear landlords or
13 their section 8 applicants. In so far as the
14 impact they will have on a neighborhood.

15 Now I didn't come down here to
16 badger any developer, any developers. I came
17 down here to throw the rock, but not hide the
18 hand. We were -- most of the residents in
19 that area, even those that are living across
20 the street, were not informed of these 187
21 houses. I know I wasn't and I live less than
22 two blocks.

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1 So this has become a nightmare for
2 me. I'm very concerned with the congestion
3 that will appear after these houses will be
4 reconstructed. We already have a traffic jam
5 on Morris Road, Stanton Road, Martin Luther
6 King Junior Avenue.

7 CHAIRPERSON MITTEN: I need your
8 closing thoughts. You're out of time.

9 MS. HAWKINS: And Suitland
10 Parkway. That was my closing thought.

11 CHAIRPERSON MITTEN: Okay. Thank
12 you. Just for your information, the Applicant
13 can share with you, they did an exhibit of the
14 community meetings that they've had, just so
15 that you would be aware of the outreach that
16 they have done. And you may still find it
17 inadequate, but I just wanted you to know that
18 the Applicant can share that with you. Any
19 questions for Ms. Hawkins? Any questions?
20 Questions, Mr. Tummonds?

21 MR. TUMMONDS: No questions.

22 CHAIRPERSON MITTEN: Mr. Hood?

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1 VICE-CHAIRPERSON HOOD: I just
2 wanted to say to Ms. Hawkins, I asked earlier
3 about the R-3 going to R-5A. The Office of
4 Planning is doing a study in Ward 8. And I
5 would -- I don't know if they've gotten to the
6 point where they're taking community comments.
7 We're not at that point. But you may want to
8 stay tuned and work with the Office of
9 Planning on that.

10 MS. HAWKINS: Okay.

11 VICE-CHAIRPERSON HOOD: Because
12 that is an issue. We have a lot of cases with
13 the BZA where that's -- we're seeing that.
14 That's why I asked that specific question.

15 MS. HAWKINS: Yes.

16 VICE-CHAIRPERSON HOOD: So you
17 would be a good person. I'm notifying you
18 now. You would be a good person.

19 MS. HAWKINS: And I was glad you
20 did.

21 VICE-CHAIRPERSON HOOD: You would
22 be a good person to work with the Office of

1 Planning when they get to that point. So you
2 want to stay in touch with them

3 MS. HAWKINS: All right.

4 VICE-CHAIRPERSON HOOD: Thank you.
5 Thank you, Madam Chair.

6 CHAIRPERSON MITTEN: Thank you.
7 Commissioner Johnson, did you have any cross
8 examination? Okay. Thank you, very much Ms.
9 Hawkins.

10 MS. HAWKINS: Thank you.

11 CHAIRPERSON MITTEN: Anyone else
12 who'd like to testify in opposition? Okay.
13 Mr. Tummonds?

14 MR. TUMMONDS: I think in our
15 abbreviated presentation today and the
16 materials we've submitted, we've shown that we
17 believe -- we've shown that this project is an
18 appropriate project; a project with exemplary
19 site planning and architecture. We do satisfy
20 the PUD standards and guidelines.

21 We will address the DDOT issues
22 that came up today. We are confident that we

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1 can address those fully with the private
2 alleys and streets, with undertaking the
3 signal warrant analysis, looking at and
4 bringing out the internal street system to
5 Elvans Road and the alley connection.

6 We will also provide the letter
7 from MANNA regarding the Home Buyers' Program.
8 We will, I guess we can talk about timing
9 later, in working back to that.

10 We thank you for your time this
11 evening and we look forward to your ultimate
12 vote on this project.

13 CHAIRPERSON MITTEN: Thank you.
14 Just for your benefit, since you had asked and
15 Mr. Parsons was the only one who responded so
16 far, in terms of the guidance that you would
17 like from the Commissions in terms of dealing
18 with DDOT, I mean, I think that our view has
19 been pretty consistent from the beginning.
20 And, if people disagree, please say so. That,
21 because these streets are not going to be
22 heavily traveled, as was mentioned, that we

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1 would rather have you favor more green space
2 than turning over more land to roads. And,
3 since DDOT doesn't have -- I mean, these will
4 be private roads and so they really don't have
5 a lot to say about them, we're interested in
6 what they think functionally. But I think
7 they seem to be not making their decisions
8 based on traffic volumes, so much as -- they
9 don't seem to be taking that into account in
10 rendering their advice. So, if people have a
11 different view, please say so. But I think
12 the direction that the Applicant's taking is
13 the one that we favor.

14 MR. TUMMONDS: Thank you.

15 CHAIRPERSON MITTEN: Okay.

16 VICE-CHAIRPERSON HOOD: Madam
17 Chair, I didn't hear the discussion on the
18 DOES and MOU for STBs. I just want to make
19 sure those are executed. And has there been
20 a discussion? I probably should have asked
21 you that. Has there been a discussion with
22 the ANC about that? The DOES agreements?

1 CHAIRPERSON MITTEN: Are you
2 proffering a First Source agreement?

3 MR. TUMMONDS: Yes, we are. And
4 again, the draft agreement's in the statement.
5 And I think we addressed this previously too.
6 Due to the time lag between when a project is
7 approved and when the building permit is
8 obtained and actually the new jobs are
9 created, what we start to do is have, as a
10 condition of getting a building permit, have
11 those documents signed and finalized. It's
12 not as big of an issue with the First Source
13 Agreement. But with the MOU, with the Local
14 Business Opportunity Commission, they require
15 a pretty definite construction budget.
16 Because then they base 35 percent of that
17 construction budget to the -- at this time,
18 that construction budget hasn't been filed.
19 That's what prevents us now from signing that
20 up.

21 VICE-CHAIRPERSON HOOD: It would
22 be good, Mr. Tummonds, if you'd be one of the

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1 first people to make sure this happens, as
2 well. Because I'm going to ask the Office of
3 Planning eventually to do one of the things
4 I've asked them about three years ago. As I
5 understand, these agreements don't have no
6 teeth. We sit here and we sign them and
7 nothing happens. I may be speaking out of
8 school, but that's what I'm hearing. No
9 teeth.

10 And I'm not picking on your
11 project. But I'll say this on other cases
12 that you probably represent. But I'm going
13 back to that again, as I did in the past.
14 Thank you.

15 CHAIRPERSON MITTEN: Thank you.
16 And I think Mr. Hood's point is that the
17 agreements need work because I think in some
18 ways they're weak. Not that the compliance
19 with the agreements that have been signed is
20 necessarily weak. Am I wrong?

21 VICE-CHAIRPERSON HOOD: I'm not
22 going to say. I'm going to say all of it,

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1 right now. All of it doesn't work.

2 CHAIRPERSON MITTEN: Okay. All
3 right.

4 VICE-CHAIRPERSON HOOD: Until I'm
5 proven wrong.

6 CHAIRPERSON MITTEN: Okay. Thank
7 you, Mr. Hood. Okay. Let's talk about time
8 lines. What I was thinking is, if you needed
9 a week to provide the additional follow-up
10 materials, we do need a response from DDOT,
11 depending on the outcome of the warrant
12 analysis, in particular. So, I thought we
13 should give to weeks to get a response from
14 DDOT.

15 MR. TUMMONDS: Right. And may I
16 say, so it's not likely -- we're not going to
17 make June 11th. Is that what you're saying?

18 CHAIRPERSON MITTEN: No, you're
19 not.

20 MR. TUMMONDS: Right. So then --

21 CHAIRPERSON MITTEN: So you want
22 to work backwards from July?

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1 MR. TUMMONDS: Yes.

2 CHAIRPERSON MITTEN: Okay. Let's
3 do that. But we need to give an ample time
4 for DDOT to respond.

5 MS. SCHELLIN: Is two weeks going
6 to be enough for you guys?

7 MR. TUMMONDS: Yes.

8 MS. SCHELLIN: Okay. So if we
9 give them until that would make it June 7th?

10 CHAIRPERSON MITTEN: Okay. For
11 the Applicant's submission>

12 MS. SCHELLIN: For the Applicant.

13 CHAIRPERSON MITTEN: Okay.

14 MS. SCHELLIN: And allow the ANC
15 to respond by the 14th?

16 CHAIRPERSON MITTEN: Well, let's,
17 just for the simplicity of it, let the ANC and
18 DDOT have two weeks.

19 MS. SCHELLIN: Both?

20 CHAIRPERSON MITTEN: Yes.

21 MS. SCHELLIN: Okay. The 21st?
22 So June 7th and June 21st.

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1 CHAIRPERSON MITTEN: Okay.

2 MS. SCHELLIN: For DDOT and the
3 ANC.

4 CHAIRPERSON MITTEN: And, to the
5 extent that there's anything else that needs
6 to be incorporated after we get DDOT's
7 response, then maybe you could just
8 incorporate that into your findings of fact
9 and conclusions of law.

10 MR. TUMMONDS: Yes. On the 28th?
11 Does that make sense?

12 MS. SCHELLIN: The 28th will be
13 fine for that.

14 CHAIRPERSON MITTEN: Okay. Great.
15 Okay. I think that's it for this evening. I
16 appreciate the abbreviated presentation. But
17 the Commission was ready just to ask our
18 questions. And thank you all very much. And
19 that you all for your attention. And we're
20 adjourned.

21 MR. TUMMONDS: Thank you.

22 (Whereupon, the hearing was

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1 adjourned at approximately 7:41 p.m.)

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