

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

IN THE MATTER OF:

CASE NO. 06-26

Rocky Gorge Development, LLC

Thursday,
December 21, 2006

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

The Public Hearing of Case No. 06-26
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 J. HOOD	Vice-Chairperson
GREGORY N. JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
ARTHUR JACKSON

The transcript constitutes the minutes from the Public Hearing held on Thursday, December 21, 2006.

AGENDA ITEM

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WELCOME:

Carol Mitten 4

OFFICE OF PLANNING:

Arthur Jackson 26

ADVISORY NEIGHBORHOOD COMMISSION:

Franklyn Malone 29

ADJOURN:

Carol Mitten 35

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

6:44 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a Public Hearing of the Zoning Commission of the District of Columbia for Thursday, December 21, 2006. This is our last hearing of the year. My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners Greg Jeffries, John Parsons and Michael Turnbull.

The subject of this evening's hearing is Zoning Commission Case No. 06-26. This is a request by the Rocky Gorge Development, LLC for an approval of a consolidated planned unit and development and related Map Amendments for a site bounded to the north by Phase 1 of the Emerson Townhouse Development. To the east, by a strip of residential properties fronting on 7th street, NE. To the south, by detached dwellings fronting on 6th Place, NE and to the west, by another portion of the Thomas Somerville Company site. All of this is known as lot A14 in square 37-88.

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1 Notice of today's hearing was
2 published in the D.C. Register on September 8,
3 2006 and copies of that hearing announcement are
4 available to you and they are in the wall bin by
5 the door.

6 This hearing will be conducted in
7 accordance with the provisions of 11 DCMR Section
8 3022 and the order of procedure will be as
9 follows: take up any preliminary matters and
10 then we will have the presentation of the
11 applicant's case; report by the Office of
12 Planning; reports of any other Government
13 agencies; reports by the affected Advisory
14 Neighborhood Commissions, which in this case is
15 5A; organizations and persons in support and
16 organizations and persons in opposition.

17 The following time constraints will be
18 maintained in the hearing: The applicant will
19 have twenty minutes. Organizations will have
20 five minutes and individuals will have three
21 minutes. The Commission intends to adhere to the
22 time limits as strictly as possible in order to

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

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

11 Please, be advised that the proceeding
12 is being recorded by the Court Reporter and is
13 also being webcast live. Accordingly, we ask you
14 to refrain from making any disruptive noises in
15 the hearing room. When presenting information to
16 the Commission, please, turn on and speak into
17 the microphone, first, stating your name and
18 address. When you are finished speaking, please
19 turn the microphone off because they tend to pick
20 up background noise.

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

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1 record. To avoid any appearance to the contrary,
2 the Commission requests that persons present not
3 engage the Members of the Commission in
4 conversation during a recess or at any other time
5 and Ms. Schellin and Ms. Hanousek will be
6 available throughout the hearing to answer any
7 procedural questions you might have.

8 We ask you to turn off all beepers and
9 cell phones, at this time, so as not to disrupt
10 the hearing. Anyone who is planning on
11 testifying this evening, I ask you to stand now,
12 raise your right hand and direct your attention
13 to Ms. Schellin and she will administer the oath.

14 MS. SCHELLIN: Do you solemnly swear
15 or affirm that the testimony you will give in
16 this evenings proceedings will be the truth, the
17 whole truth and nothing but the truth? Thank
18 you.

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

21 MS. SCHELLIN: Just that I handed out
22 a corrected DDoT report to you guys this evening

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1 and we have received the affidavit of the
2 maintenance.

3 CHAIRPERSON MITTEN: Thank you. Mr.
4 Hughes, any preliminary matters?

5 MR. HUGHES: No, ma'am.

6 CHAIRPERSON MITTEN: Okay. Then
7 please proceed.

8 MR. HUGHES: Good evening Madame
9 Chair, members of the Commission. My name is
10 Dennis Hughes for the record. I am with the Law
11 Firm Holland & Knight. We joined tonight by
12 Wayne Clem of the firm.

13 As you mentioned in the Notice of the
14 Hearing, we are here tonight on behalf of Rocky
15 Gorge Development, LLC, seeking approval for a
16 consolidated PUD and Map Amendment from split
17 zone property R2 and FTCM1, rezoning it R4, to
18 allow for construction of 35 townhouses on a
19 portion of the Thomas Summerville property.

20 This is the second phase of the
21 Emerson Park Townhouse community approved by the
22 Commission in 2004. I am pleased to note that

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1 the application has the support of the D.C.
2 Office of Planning, the D.C. Department of
3 Transportation and ANC 5A. We are not aware of
4 any opposition to the application. At this point
5 I would like to confirm that you are in receipt
6 of our application materials dated May 26 of this
7 year, our supplemental statement of August 4 and
8 our pre-hearing filing of December 1. That
9 December 1 filing includes a letter from the ANC
10 5A, indicating its support for the application.
11 I also would like to confirm receipt into the
12 record of copies of letters from the Friends of
13 North Michigan Park Civic Association, detailing
14 how the community benefits fund proffered by the
15 applicant and the application will be distributed
16 by the Friends.

17 CHAIRPERSON MITTEN: Yes.

18 MR. HUGHES: With that the applicant
19 believes that its record is complete and requests
20 the Commission's permission stand on the record.
21 I should note at this point, that I am joined by
22 Jack Anderson of Rocky Gorge, Mark Stars of Boman

1 Consulting, Smita Anad -- sorry Smita, DCA
2 Cabella Architects, Jamie Milanovich of Wells &
3 Associates and Mr. Steve Shur of Holland & Knight
4 to answer any questions that you might have.
5 Thank you.

6 CHAIRPERSON MITTEN: Okay. Thank you
7 very much. Questions from the Commission?

8 VICE CHAIRPERSON HOOD: I will start
9 off.

10 CHAIRPERSON MITTEN: Thank you, Mr.
11 Hood.

12 VICE CHAIRPERSON HOOD: Mr. Hughes, if
13 you can maybe help me with this, Rocky Gorge had
14 a first case, a PUD that was in front of us.
15 This is the second part of it -- a different PUD,
16 but in the same area. Did he proffer -- any LSDB
17 or DOES, proffers to the Commission in the first
18 phase on its first PUD?

19 MR. HUGHES: No, sir.

20 VICE CHAIRPERSON HOOD: He did not?
21 Well, I can not get on him about that. I just
22 wanted to know how he did but since he did not

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1 proffer that. The other thing is, there were
2 issues about traffic. No, let me back up. How
3 is that going as far as construction, runoff into
4 the streets -- you know, screens. Could somebody
5 speak to that and let me know how that project is
6 exactly taking place? How it is going?

7 MR. HUGHES: For the first phase?

8 VICE CHAIRPERSON HOOD: Yes.

9 MR. HUGHES: They have not obtained a
10 building permit, is my understand at this point.

11 VICE CHAIRPERSON HOOD: No, I mean the
12 first case, the first PUD.

13 MR. HUGHES: Right, yes sir. I
14 believe that is in permitting at the moment.

15 VICE CHAIRPERSON HOOD: Didn't he
16 build some on 7th street already?

17 MR. HUGHES: Those were a matter of
18 right Duplexes, yes sir.

19 VICE CHAIRPERSON HOOD: So the back
20 part is what we dealt with, behind that?

21 MR. HUGHES: Correct. If you would
22 mind looking at the screen. You see the sight

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1 that is subject to tonight's hearing.

2 VICE CHAIRPERSON HOOD: Right.

3 MR. HUGHES: Immediately to the north
4 is the 75 townhouse units that were approved.

5 VICE CHAIRPERSON HOOD: So what he is
6 doing is a matter of right?

7 MR. HUGHES: To the right of the
8 duplexes, I think that you are referring to.

9 VICE CHAIRPERSON HOOD: So, it is a
10 matter of right?

11 MR. HUGHES: Yes, sir.

12 VICE CHAIRPERSON HOOD: How is that
13 going?

14 MR. HUGHES: I will let Jack Anderson
15 answer this question.

16 VICE CHAIRPERSON HOOD: Thank you, Mr.
17 Anderson. Good seeing you.

18 MR. ANDERSON: Jack Anderson,
19 Principle of Rocky Gorge Development, 7900 West
20 Park Drive in McLean, Virginia. The buy right
21 project was 16 units. Fourteen of them are
22 occupied -- twelve of them are occupied and the

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1 other four are under contract. We have had --
2 the construction activity, we have made an effort
3 to communicate with the neighbors with meetings
4 prior to construction. We have had a liaison in
5 the neighborhood and we have had some issues.
6 When we excavated a bunch of mice running out.
7 We tried to catch those; we could. There were
8 dust issues. We put in about 200 feet of stone
9 road to keep the dust down as we were bringing
10 traffic in from the PUD. There has been some
11 issues but generally, it stayed under control,
12 best we could.

13 VICE CHAIRPERSON HOOD: So, it is your
14 testimony, you are being responsive to the
15 community, to the neighborhood when they have
16 issues? You are being responsive?

17 MR. ANDERSON: I think we have, yes.

18 VICE CHAIRPERSON HOOD: All right.
19 Thank you. Madame Chair, that is all I have.
20 Thanks.

21 CHAIRPERSON MITTEN: Thank you, Mr.
22 Hood. Mr. Parsons?

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1 COMMISSIONER PARSONS: I guess Mr.
2 Anderson, I wanted to talk a little about the
3 road access. There is no access from 6th street,
4 NE. It is on the drawing there; not that
5 drawing. In other words, the sole access to this
6 property will be on this new, private road that
7 you are building?

8 MR. ANDERSON: Well, no. It is in the
9 back here. I will flip through real quick.
10 Sorry to have to do it like this. We anticipated
11 the question. Originally phase one, we had this
12 property under contract and my original concept
13 was that the road would not connect and we
14 actually had -- thank you. We had a site plan
15 instead of going here, we actually had the road
16 here and there was not a connection here. But,
17 in my first meeting with OP, they suggested the
18 road connection. DDoT suggested the road
19 connection. So, we re-did the plan, it was very
20 similar to this.

21 We took that plan to the ANC and said,
22 what do you think? They said, we think it is

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1 great that all the roads connect and we have more
2 options. So, all three stakeholders were in
3 favor of it and it works for us. So, what we
4 will be doing is, right now the public road of
5 6th street ends right here. We will be
6 constructing this portion and tying it in to this
7 portion of phase one.

8 It will remain a private street, but
9 there will be a public access easement. This
10 piece was a private street, but the pavement
11 design and thickness meet DDoT's standards.
12 Where we had some issue was the right-of-way
13 width. Their right-of-ways just did not mesh
14 with what we had. There is a letter from DDoT
15 acknowledging they are in favor of this with the
16 connectivity and they understand it is going to
17 be a private road with public access easement.
18 We will work that out with their general counsel.

19 COMMISSIONER PARSONS: We have a
20 report from them that maybe you have not seen.
21 It is dated today.

22 MR. ANDERSON: No, I haven't. I saw

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1 a letter dated yesterday, is what I was referring
2 to.

3 COMMISSIONER PARSONS: Anyway, it says
4 this. The private roadway is not required to be
5 built to DDoT's standards due to the geometrics
6 and grading, which would be cost prohibitive to
7 construct. So, in looking at the topography on
8 that drawing, this is a very steep road, isn't
9 it?

10 MR. ANDERSON: Actually by DDoT's
11 standards, their limit -- I met with them, they
12 want the road to be at 8 percent. And right now,
13 a road does exist there and we may be able to get
14 it 8 percent, which would meet their criteria.
15 But, we may have to be at 9 percent and they had
16 a little trepidation with that.

17 The issue is there is a 24-inch gas
18 main under that road, as well as a water line and
19 we would like to make every effort not to have to
20 relocate those lines and bury them further
21 underground. So, if we can have another percent
22 in steepness and save a boatload of money, we are

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1 okay with that. And it will still function. You
2 can drive up and down that thing now. I do not
3 know what it's current grade is, but people go up
4 and down it all of the time.

5 COMMISSIONER PARSONS: Okay. Thank
6 you.

7 CHAIRPERSON MITTEN: Anyone else?
8 Commissioner Turnbull?

9 COMMISSIONER TURNBULL: Thank you,
10 Madame Chair. I just had a question on the land
11 area to the north between this new site and the
12 existing site.

13 MR. ANDERSON: Right. Let me get the
14 detailed -- so, this area here?

15 COMMISSIONER TURNBULL: Yes. Now,
16 that says existing -- it looks on some of the
17 photos that go with the picture, it looks like it
18 is just like scrub vegetation now. At least from
19 some of the pictures here.

20 MR. ANDERSON: What we did to try to
21 clarify this a little bit is, we had done a tree
22 survey when we did phase one and we have recently

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1 noted those trees here. It is not the pristine
2 forest -- let's say that. But, when I first
3 walked on this site a couple of years ago, it was
4 in the summer and I looked over and it was like,
5 I am in the middle of the forest right here.
6 So, it has that appearance.

7 COMMISSIONER TURNBULL: Are you
8 planning some new trees there too?

9 MR. ANDERSON: We haven't gotten that
10 far in design. We probably should take a better
11 look at that. What we are planning, what is far
12 enough -- this area here behind the 7th street
13 duplexes that were by right. Right in this area,
14 the slope was a one-to-one slope, which is very
15 steep and was not stable. As they built a
16 retaining wall here, some of that slope sloughed
17 off, so what they did was laid it back. They
18 raised the retaining wall, they laid it back to
19 at least a two-to-one slope. But, they had to
20 clear that to do it. We are showing here, that
21 after we put in a storm sewer that ties to the
22 back of this wall -- this system, this slope,

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1 which is stable now, but we will re-stabilize it
2 and re-forest it. There were more formal
3 planning here.

4 COMMISSIONER TURNBULL: So, some type
5 of bio-retention in there too? Are you worried
6 about runoff or -- I mean it is steep in that
7 area too, isn't it?

8 MR. ANDERSON: What will happen, the
9 runoff is captured. The storm water management's
10 inlet is here.

11 COMMISSIONER TURNBULL: Okay.

12 MR. ANDERSON: Which are not there
13 today. So that will be improved. But, there is
14 an inlet right here that we will be connecting to
15 from this and actually when this is built, the
16 situation improves.

17 COMMISSIONER TURNBULL: Okay. All
18 right. Thank you.

19 MR. ANDERSON: Thank you.

20 CHAIRPERSON MITTEN: Did you have any
21 questions?

22 MS. STEINGASSER: I just have a

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1 couple. There is a series of recommendations at
2 the end of the Office of Planning's report and
3 they recommend among the proffers -- in addition
4 to it, recommending that we accept the proffers
5 that you made, that protective fencing be
6 installed around all the trees to be retained?

7 MR. ANDERSON: That would be all along
8 the top of this slope and we will agree to that,
9 yes.

10 MS. STEINGASSER: Could you show that
11 on a plan for us, so that we?

12 MR. ANDERSON: Actually, it does not
13 show up really well. Do you see that little line
14 right there? It is a limitive disturbance.

15 MS. STEINGASSER: Okay.

16 MR. ANDERSON: LOD. It sort of weeds
17 over there?

18 MS. STEINGASSER: Yes, I see it.

19 MR. ANDERSON: The other area of
20 reforestation we will do, this is treed here and
21 the existing retaining wall is the old concrete
22 blocks that they did when they were in operation.

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1 Those will be taken down. But, we are going to
2 reforest this area as well.

3 MS. STEINGASSER: Okay. Fine. I will
4 talk about the funding in a second. And do you
5 agree not to erect any fences that would appear
6 to create a gated community?

7 MR. ANDERSON: Absolutely. I agree
8 wholeheartedly with you on that.

9 MS. STEINGASSER: So now, to the issue
10 of the donation to North Michigan Park. I do not
11 know what we can do to -- the Commission has
12 tried to send a message that we do not like these
13 open-ended -- it is not your fault. That we do
14 not like these open-ended contributions. In
15 fact, it has to be a flaw on our side because we
16 are just not making ourselves clearer, we need to
17 change the regulations or something.

18 But simply, for you to satisfy what
19 you are doing, is all you do is, you write the
20 check and then you have satisfied your proffer,
21 but we do not know what or when we are getting
22 the end result. So, it is frustrating and what

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1 we have from North Michigan Park, even though it
2 flushes out in some more detail what these
3 donations will be used for, it does not say how
4 much and when. So, that is.

5 MR. ANDERSON: I can address that. In
6 present -- North Michigan Park is present.

7 MS. STEINGASSER: Okay.

8 MR. ANDERSON: The concept is -- I
9 guess the Friends of North Michigan Park has been
10 in existence for a couple of years and their
11 funding was contributions from the community.
12 When we did phase one, we made some contributions
13 -- we sat down with the ANC and we made some
14 contributions to the library and to the new rec
15 center and a fund to put up Welcome to North
16 Michigan Park signs, which are in place now.

17 And, in our first hearing, at this
18 Board's direction, we beefed up the contribution
19 and we started working with Friends of North
20 Michigan Park and I heard that same comment and
21 we sat down and said, I am not just giving you
22 money -- yes, I am giving you money, what are you

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1 doing with it and we want to know.

2 So, we came up with a list that sort
3 of limits where the money can be spent, but if
4 you are on that list, it does not guarantee you
5 will get funded because there is only so much to
6 go around. Now, to put -- I understand the
7 question was, how much and when to those, but
8 they way the money will be administered, there is
9 a board and there are certain items -- one of
10 their intentions I believe, is Food and Friends,
11 which is in the neighborhood. They intend to
12 make a contribution to them annually for about
13 four years. But, then there is an opportunity,
14 if, for family day there is a request to do a
15 moon bounce, they might come to them and say, we
16 need \$500 and the board will approve it. So,
17 some is upon request, some is of their own
18 initiative. There is a board, who will run their
19 budget. They are responding to questions from
20 the IRS now. They seem to be -- certainly above
21 board and needing to be very organized. So, they
22 can not say they are going to get \$5,000 and

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1 \$10,000 there. They do not know what is going to
2 be an approved decision in the future.

3 MS. STEINGASSER: Here is what makes
4 it problematic for us is, you just happen to be
5 here that I am having this more expansive -- I
6 need a target.

7 MR. ANDERSON: I am thrilled to be
8 here.

9 MS. STEINGASSER: Is that, I am sure
10 that Friends of Michigan Park is a great
11 organization, fine people running it. Well, what
12 happens when somebody wants to make a
13 contribution to an organization that doesn't have
14 such a good reputation. But, we can't sit in
15 judgement of that. And the other thing is that,
16 some of these things they are impermanent. I
17 would rather see you are getting something that
18 is permanent. You get an approval that is going
19 to -- that will allow something to be built that
20 is going to last decades. And, there should be
21 at least some sort of tangible quality to the
22 results of what the donations are. So, we will

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1 have to work harder on that. My colleagues will
2 have to decide if this is a sufficient response,
3 but I thank you.

4 COMMISSIONER JEFFRIES: I do have one
5 question, Mr. Anderson. I am just curious of the
6 difference between the pricing on the affordable
7 units versus the market rate.

8 MR. ANDERSON: Okay.

9 COMMISSIONER JEFFRIES: Don't spend a
10 lot of time responding. I mean it is --

11 MR. ANDERSON: I just want to say what
12 the rough number is on the affordable. It is
13 very similar to the last go round. The PD
14 ordinance, you have to define a number of terms
15 to come to the price. Being 85 percent of the
16 AMI doesn't quite get you the price of the house.
17 You have to look at what current interest rates
18 and they are going to fluctuate. You have to
19 look at what level of down payment is requested
20 from the purchaser, and we pegged that at five
21 percent. And, I guess those are pretty much the
22 variables that you need.

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1 What we have done is to determine the
2 price based on 85 percent -- the income level at
3 85 percent of AMI, saying that 35 percent of
4 their income can be devoted to house payments
5 exclusive of utilities and you look at taxes and
6 insurance, you come up with a number. Rough
7 numbers, that affordable unit will have a price
8 of \$331. The market rate units here, and it is
9 always a tough question.

10 COMMISSIONER JEFFRIES: \$300?

11 MR. HUGHES: \$331,000.

12 MR. ANDERSON: Yes, \$331,000. Prices
13 are not set on this, but if I could look to a
14 market comp, where we are closer to the metro,
15 they might have better views. But at Fort
16 Lincoln, they are selling at \$2-- Basically, the
17 20 foot unit there is very comparable to ours,
18 just broke the \$500,000 mark. This is an 18-foot
19 unit. If that is a comp, at similar pricing,
20 this same unit for \$331,000, market rate might be
21 \$440,000. Looking at them as a comp --

22 COMMISSIONER JEFFRIES: Roughly

1 \$80,000?

2 MR. ANDERSON: \$110,000.

3 COMMISSIONER JEFFRIES: Wait, you
4 said?

5 MR. ANDERSON: \$440,000 versus
6 \$330,000. It is very significant.

7 COMMISSIONER JEFFRIES: That is all I
8 was trying to get to the bottom of.
9 Particularly --

10 MR. ANDERSON: I am sorry, I low
11 balled.

12 COMMISSIONER JEFFRIES: Eighty-five
13 percent of AMI is what you are using versus
14 eighty percent?

15 MR. ANDERSON: Right. It matters on
16 the family size. A four person family, fiscal
17 year 2006 was \$90,300. So, that would be \$76,755
18 would be the 85 percent.

19 COMMISSIONER JEFFRIES: Thank you.

20 CHAIRPERSON MITTEN: Anybody else?
21 Okay. Thank you.

22 MR. ANDERSON: Thank you.

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1 CHAIRPERSON MITTEN: I do not see
2 anybody here from the ANC. Where? Did you have
3 any questions for the applicant?
4 Okay, thank you. Are you on the ANC? Then you
5 do not get the opportunity, but I am sure they
6 are dying to answer them anyway. Thank you. We
7 are ready to go the Office of Planning report.
8 Mr. Jackson?

9 MR. JACKSON: Excuse me Madame Chair
10 and members of the Commission. My name is Arthur
11 Jackson with the DC Office of Planning. I am
12 here to present a brief summary of the Office of
13 Planning report. I think at this point, we will
14 stand on the record and make ourselves available
15 to answer any questions that the Commissioner's
16 may have. With that, I will conclude my brief
17 presentation.

18 CHAIRPERSON MITTEN: Thank you, Mr.
19 Jackson. Any questions from the Commission for
20 Mr. Jackson? This is your Christmas present, Mr.
21 Jackson.

22 VICE CHAIRPERSON HOOD: Mr. Jackson,

1 I did have one question.

2 MR. JACKSON: Yes?

3 VICE CHAIRPERSON HOOD: Mr. Jackson,
4 obviously you support the amenities package.
5 What is being requested, 35 town homes going from
6 industrial CM1 to R2 combination and all of that
7 piece that is in it -- from what you have done
8 across the city, does the amenities actually, in
9 your opinion, which I know you said it in your
10 report to a point, balance out to what you
11 normally see across the city in PUD applications?

12 MR. JACKSON: Well, I think -- that is
13 a difficult question to answer because this is a
14 fairly unique situation in that, we have an area
15 that is truly and entirely industrial that is
16 converting over to a townhouse development. I
17 think in most cases, there have been other cases
18 where we have done industrial developments, but I
19 think we have seen generally, them in larger
20 scale, much more intense.

21 Given the fact that this applicant is
22 also trying to fit in with the surrounding --

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1 doing more of the sculpture of this development,
2 not only to fit in the with previous PUD, but
3 with the surrounding residential developments and
4 the fact they have a rolling site and the fact
5 they are trying to do other things to have this
6 be almost a seamless fit with the community and
7 with the existing environment, I think the
8 package they are offering in amenities and
9 benefits, more than exceed the relief that are
10 requesting. But again, your question was,
11 whether is consistent with other?

12 VICE CHAIRPERSON HOOD: Yes, do you
13 see this typical in other wards?

14 MR. JACKSON: Again, this is such a
15 unique situation, it is hard to compare it to,
16 say a PUD that is closer to -- even if you look
17 down at Rhode Island avenue, a PUD like that. It
18 is a totally different environment. It is such a
19 unique situation.

20 VICE CHAIRPERSON HOOD: I understand
21 we are on a different scale. You answered my
22 question. Thank you.

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1 MR. JACKSON: Thank you.

2 CHAIRPERSON MITTEN: Anyone else?
3 Thank you, Mr. Jackson. I would just note for
4 the record that we also have in the record a
5 report from DDoT, dated December 21 and this is
6 the corrected report that notes the, as Mr.
7 Parsons read, that the private section of the
8 roadway will not be built to DdoT standards, but
9 there will be a public access easement and their
10 support for the project. All right. Now, it is
11 time for Mr. Malone to come forward and make the
12 ANC's report. If you would like to submit it for
13 the record afterwards, you are welcome to do
14 that. I just need you to turn on the microphone
15 and state your name for the record.

16 MR. MALONE: Good evening. My name is
17 Franklyn Malone and I am an ANC Commissioner for
18 single member district 5A-11 and Chairman for ANC
19 5A. I am pleased to be with you this evening to
20 represent the recommendations of ANC 5A and to
21 approve the PUD and Map Amendment applications
22 presented by Rocky Gorge Development in this

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1 case. After a number of preliminary
2 presentations and discussions over the past
3 several months by representatives of Rocky Gorge
4 and members of the ANC, the North Michigan Park
5 Civic Association and interested neighbors, ANC
6 5A formally considered these applications at its
7 regularly scheduled public meeting held on
8 September 27, 2006.

9 With a quorum present, the ANC
10 unanimously voted to support the application for
11 phase two. The vote was 7 to 0. Rocky Gorge
12 Emerson Park town house project. I would at this
13 time also like to confirm that the zoning office
14 has received the letter from ANC 5A, dated
15 November 29, 2006 formally indicating the
16 approval action taken by the ANC in this case.
17 Like the approved phase one of the project, which
18 involved significant site cleanup of an abandoned
19 concrete plant, phase two involves the cleanup
20 and redevelopment of a largely vacant and
21 overgrown site formally operated by the Thomas
22 Summerville Company into an attractive landscape

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1 and thoughtfully designed complex of single
2 family townhouses, which will integrate well into
3 the long-standing residential communities to the
4 east and the south of this site.

5 Among the issues your Commission is
6 charged with this evening is evaluating the level
7 of public benefits offered as part of the planned
8 unit development project. In this case, we
9 believe that the benefits of the community are
10 significant. We believe they are balanced and
11 responsive as I have stated. They are responsive
12 to the desires of the community stakeholders. I
13 might note, as part of the ANC's to recommend
14 approval of these applications, we directed that
15 a task force work with the Rocky Gorge
16 Development to identify the appropriate
17 recipients of the \$75,000 in the community fund
18 proffered by the applicant. I believe you have
19 received by letter from the task force
20 representatives confirming their meeting and
21 resolution for the use of these funds. The funds
22 will be managed by the Friends of North Michigan

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1 Park Civic Association and earmarked for a
2 variety of important events and programs
3 benefitting a wide range of segments of the North
4 Michigan Park community, from children to
5 seniors, and will include enhancements to the
6 North Michigan Park's recreation center.

7 In balancing the project's benefits
8 with the zoning changes and flexibility
9 requested, it appears that a positive balance is
10 being struck here, one which provides an
11 attractive and desirable redevelopment of an
12 overgrown, inactive site. A residential use,
13 who's scale is consistent with the existing
14 neighborhoods and one which proves a significant
15 and tangible benefit to the community that will
16 positively impact many segments of our community.
17 Bless you.

18 In concluding my testimony on behalf
19 of Advisory Neighborhood Commission 5A, I would
20 request that the recommendation of ANC 5A in this
21 case, be accorded the great weight to which it is
22 entitled. Thank you for your time and I will

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1 answer any questions that you might have.

2 CHAIRPERSON MITTEN: Thank you
3 Commissioner Malone.

4 MR. MALONE: Thank you, Madame Chair.

5 CHAIRPERSON MITTEN: Any questions for
6 Commissioner Malone? Any questions? Thank you
7 very much, I know your ANC has been busy because
8 we had a case in your ANC earlier this week too.

9 MR. MALONE: I just sent you a letter
10 didn't I? Thank you very much.

11 CHAIRPERSON MITTEN: Thanks for coming
12 down.

13 MR. MALONE: You all have a good
14 evening Commissioners.

15 CHAIRPERSON MITTEN: Thank you. All
16 right. Now we are ready for persons who would
17 like to testify in support of the application.
18 Anyone who would like to support of the
19 application. Please come forward and take a seat
20 at the table. Okay? Anyone would like to
21 testify in opposition to the application, please
22 come forward and take a seat at the table.

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1 Anyone who is in opposition to the application.
2 Okay, just a lot of interested observers tonight.
3 Mr. Hughes?

4 MR. HUGHES: Thank you, Madame Chair.
5 I am sorry, I have a cough drop in my mouth. I
6 was caught off guard. Given the status of the
7 case, if the Commission is so inclined, we would
8 request a decision this evening. The applicant,
9 Rocky Gorge is the contract purchaser of the
10 property and has some benchmarks upcoming in the
11 very near future and would like to have some
12 direction if the project is going to go forward
13 or not. Thank you for your time.

14 CHAIRPERSON MITTEN: Okay. Thank you
15 very much.

16 VICE CHAIRPERSON HOOD: Madame Chair,
17 before we move forward.

18 CHAIRPERSON MITTEN: Yes?

19 VICE CHAIRPERSON HOOD: I see we have
20 some Commissioners and they are in my Ward and I
21 want to acknowledge that if you do not mind.
22 Commissioner Bowser served over -- I want to say

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1 35 years, however long the ANC has been in
2 existence and he has worked real hard. He was
3 one of the people who first testified and a
4 little boy from Ward 5 who didn't know anything
5 about zoning, he was one of those people. We
6 have two other Commissioners, who will no longer
7 be serving, who have done an excellent job along
8 with Commissioner -- the two presidents of those
9 civic associations, Friends of North Michigan
10 Park. So, it is always good to see Ward 5 folks
11 down here and I think I do it all the time. My
12 colleagues are probably tired of me doing that,
13 but I did it anyway.

14 CHAIRPERSON MITTEN: Thank you, Mr.
15 Hood. It wouldn't be right if you didn't do
16 that, so we appreciate it. So, in this spirit of
17 gift giving, I think the record is complete as
18 you said and there is a remarkable amount of
19 support for this project and with that, I would
20 move approval of case 06-26 with the amenities
21 that have been proffered by the applicant and in
22 accordance with the plans that have been

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1 submitted to the record and the proviso that the
2 public roadway will be opened to the public
3 through an easement agreement that will
4 established with DDoT.

5 VICE CHAIRPERSON HOOD: Second.

6 CHAIRPERSON MITTEN: Thank you, Mr.
7 Hood. Is there any discussion? All those in
8 favor, please say aye.

9 COMMISSIONER JEFFRIES: Aye.

10 COMMISSIONER PARSONS: Aye.

11 COMMISSIONER TURNBULL: Aye.

12 CHAIRPERSON MITTEN: Those opposed,
13 please say no. Ms. Schellen?

14 MS. SCHELLEN: Staff recorded it 5-0-0
15 to approve proposed action in Zoning Commission
16 case 06-26. Commissioner Mitten moving,
17 Commissioner Hood seconding, Commissioners
18 Jeffries, Parsons and Turnbull in favor.

19 CHAIRPERSON MITTEN: Thank you, Ms.
20 Schellen and I thank you for coming out this
21 evening and I wish you all happy holidays and see
22 you in the new year.

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1 MR. HUGHES: Thank you, Madame Chair.
2 (Whereupon, the Public Hearing was
3 concluded at 7:24 p.m.)
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