

#06-26

DISTRICT OF COLUMBIA ZONING COMMISSION

APPLICATION OF
ROCKY GORGE DEVELOPMENT, LLC

**FOR CONSOLIDATED REVIEW AND APPROVAL OF A
PLANNED UNIT DEVELOPMENT AND
ZONING MAP AMENDMENT**

**ZONING COMMISSION
District of Columbia**

CASE NO. 06-26
EXHIBIT NO. 5
ZONING COMMISSION
District of Columbia
CASE NO. 06-26
EXHIBIT NO. 5

PREFACE

Pursuant to Chapter 24 of the District of Columbia Zoning Regulations (11 DCMR), this Applicant's Statement is submitted to the District of Columbia Zoning Commission by Rocky Gorge Development, LLC, a Maryland limited liability company, (the "Applicant") in support of an application for the consolidated review and approval of a planned unit development ("PUD") and a related amendment to the Zoning Map for property located in Square 3788 (Lot 814)(the "Property"). The Property consists of approximately 182,595 square feet of land area, is irregularly shaped, and is a portion of the Thos. Somerville Co. property. It is bounded to the north by Phase I of the Rocky Gorge at Fort Totten Emerson Park development, to the west by another portion of the Thos. Somerville Co. site, to the south by a number of detached dwellings fronting on 6th Place, NE, and to the east by a strip of properties fronting on 7th Street, NE, which properties are owned by are owned by K. Hovnanian Homes, who acquired the Applicant's home building assets in September 2004. The 7th Street, NE, property is in process of being developed as duplex residences. The Property is currently split-zoned, with a portion subject to R-2 zoning and a portion subject to C-M-1 zoning and further subject to the Fort Totten ("FT") overlay. The Applicant, contract purchaser of the Property, is seeking consolidated Planned Unit Development (PUD) approval and rezoning of the Property to the R-4 District in order to construct a neo-traditional residential development consisting of thirty-five (35) single family townhouses, consistent in design and site planning with the approved Rocky Gorge at Fort Totten Emerson

Park planned unit development to be constructed immediately north of the Property. The units will be three stories in height and contain either one or two garage parking spaces depending on the footprint of the respective units. The Property is located in Ward 5 and within the boundaries of Advisory Neighborhood Commission 5A.

DEVELOPMENT TEAM

Applicant:	Rocky Gorge Development, LLC Suite A320 7900 Westpark Drive McLean, VA 22102
Architect:	Cubellis DCA 8618 Westwood Center Drive Suite 305 Vienna, VA 22182
Engineering and Landscape Architecture:	Bowman Consulting Group, Ltd. Suite 302 2121 Eisenhower Avenue Alexandria VA 22314
Traffic Consultant:	Wells and Associates LLC Suite 600 1420 Spring Hill Road McLean, VA 22102
Land Use Counsel:	Holland & Knight LLP 2099 Pennsylvania Avenue, NW Suite 100 Washington, DC 20006

TABLE OF CONTENTS

	<u>Page</u>
LIST OF EXHIBITS.....	vii
I. INTRODUCTION	1
A. Project Summary	1
B. The Applicant.....	2
C. Project Goals/Objectives	4
D. Benefits of the PUD Process.....	4
II. PROJECT DESCRIPTION.....	6
A. Site Location and Description.....	6
B. Neighboring Land Uses	8
C. Project Design	9
D. Matter of Right Development Under Existing Zoning.....	12
E. Development Under Proposed Zoning.....	13
F. Tabulation of Development Data.....	15
III. PLANNING ANALYSIS.....	16
A. Introduction	16
B. Land Use Impact.....	16
C. Zoning Impact	17
D. Environmental Impact.....	18
E. Facilities Impact	18
IV. EVALUATION STANDARDS	18
A. Public Benefits and Project Amenities	19
1. Urban Design, Architecture, Landscaping, or Creation or Preservation of Open Spaces.....	20
2. Site Planning, and Efficient and Economical Land Utilization	21
3. Housing.....	22
4. Transportation.....	24
5. Comprehensive Plan.....	25
6. Other Benefits and Amenities of Special Value.....	25
VI. TRANSPORTATION ANALYSIS.....	26
VII. ENVIRONMENTAL ANALYSIS.....	26
A. Water Demand.....	26
B. Sanitary Sewer Demand.....	27
C. Stormwater Management.....	27
D. Solid Waste Services.....	27
E. Electrical Services.....	28

VIII. COMPLIANCE WITH THE COMPREHENSIVE PLAN.....	28
A. Purposes of the Comprehensive Plan	28
B. Generalized Land Use Map	29
C. Compliance with Major Themes of the Comprehensive Plan	29
1. Respecting and Improving the Physical Character of the District.....	29
2. Reaffirming and Strengthening District's Role as the Economic Hub of the National Capital Region	30
3. Preserving and Ensuring Community Input	30
D. Compliance with Major Elements of the Comprehensive Plan	31
1. Economic Development Element.....	31
2. Housing Element	31
3. Transportation Element	32
4. Urban Design Element	33
5. Land Use Element	33
E. Compliance with Ward 5 Elements of the Comprehensive Plan	34
1. Ward 5 Economic Development.....	34
2. Ward 5 Housing Element	35
3. Ward 5 Transportation Element	35
4. Ward 5 Urban Design Element	35
5. Ward 5 Land Use Element	36
IX. AREAS OF FLEXIBILITY	37
X. CONCLUSION	39

LIST OF EXHIBITS

<u>Description</u>	<u>Exhibit</u>
D.C. Surveyor's Plat of Square 3788, Lot 814	A
Architectural Plans and Drawings, including: -Site Plans and Tabulations -Architectural Concept Drawings -Landscaping Plans and Planting Notes -Circulation and Parking Plans	B
Generalized Land Use Map (Excerpt)	C
Generalized Land Use Policies Map (Excerpt)	D
Zoning Map (Excerpt)	E
Baist and Sanborn Atlases (Excerpts)	F
Certificate of Notice of Intent, Compliance with Consolidated PUD Requirements, Notice of Intent and List of Property Owners within 200 Feet of Project	G
Summary of Project Amenities and Community Benefits	H

I. INTRODUCTION

This statement and the attached documents support the application to the District of Columbia Zoning Commission for the consolidated review and approval of a PUD and a related amendment to the Zoning Map for the property known as Lot 814 in Square 3788 (the "Property" or the "Site") (Exhibit A), to allow the construction of thirty-five (35) single family townhouses, each with garage parking (the "Project")(Exhibit B). The application is consistent with the District of Columbia Comprehensive Plan, 10 DCMR, (the "Comprehensive Plan"), including its Land Use Element and the Generalized Land Use Map and Generalized Land Use Policies Map, which, among other things, designate the Property as being within the Fort Totten Metrorail Station Housing Opportunity Area (Exhibits C and D). This Project will benefit the District by providing significant new housing opportunities within the context of a transit-oriented development in Ward 5.

A. Project Summary

The Applicant proposes to remove debris and residue from the Site as it is currently utilized for outdoor storage, and construct a vibrant residential townhouse development, including ample parking and significant landscaped green space (Exhibit B).

Two townhouse configurations will be offered, measuring approximately 20' and 18' in width, respectively, and as described in Section C (Project Design) below. Each 20' wide townhouse will include a two car

garage and each 18' wide townhouse will include at least a single car garage. In keeping with the Project's neo-traditional design, the garages will be accessed from a carefully designed alley system that runs behind the townhouses. There will be a total of 77 parking spaces to serve the residents of the development and their guests, 53 of which will be contained in the garages of individual units and an additional 24 surface spaces that will be provided throughout the Project.

The Project is designed to have a building density of approximately 0.44 FAR and a building height of approximately 30 feet.

The Project promises to create a pleasing, lower-density residential community that complements and makes an engaging connection with the surrounding neighborhood as a result of its urban design and extensive landscaping enhancements. The Project, located immediately to the south of Phase I of the Emerson Park Townhomes, will be connected with Phase I through a proposed private street extending north from the current termination of 6th Street, NE, through to Emerson Street, NE.

B. The Applicant

Under the ownership of Christopher S. Dorment, Rocky Gorge Homes, LLC developed and built over 2,500 houses in approximately 35 communities throughout the Washington D.C. metropolitan area over the course of the past 30 years, including townhouses, single-family detached houses and

multi-family dwellings. Rocky Gorge Homes, LLC, served diverse markets in a variety of areas including the counties of Fairfax, Loudon and Prince William in Virginia and Montgomery, Prince George's and Baltimore in Maryland, and also the cities of Falls Church, Fairfax and Alexandria in Virginia. The list of noteworthy communities built by Rocky Gorge Homes, LLC, includes Cameron Station (Alexandria), The Gates at Avenel (Potomac), Kentlands (Gaithersburg), Germantown Town Center, Fairwood (Prince George's), Arora Hills (Clarksburg), and Victory Lakes (Gainesville). As a result of Rocky Gorge Homes' exceptional efforts, twenty-two "Finest for Family Living" awards, the highest accolade a homebuilder can receive from the Northern Virginia and suburban Maryland builders associations, were bestowed upon the firm.

In September 2004, Rocky Gorge Homes, LLC sold its homebuilding assets to K. Hovnanian Homes, a publicly traded, national homebuilder with an industry history dating back to 1959 and a track record for earning the trust of over 180,000 homebuyers. This sale prompted the creation of Rocky Gorge Development, LLC, and ushered in a new era of continued excellence within the development community as well as a unique synergy between K. Hovnanian Homes and Rocky Gorge. Under the continued ownership of Mr. Dormont, Rocky Gorge Development, LLC, continues the legacy started by its corporate predecessor of undertaking difficult development challenges while relying on K. Hovnanian's expertise for innovative design, architectural

integrity, quality construction and customer satisfaction in order to create unique and special living environments. This corporate synergy is evident in the Emerson Park project to the immediate north of the Property, as K. Hovnanian Homes prepares to further the success already achieved by Rocky Gorge through that project's PUD approval process as it undertakes the development and construction phases of that project.

C. Project Goals/Objectives

Consistent with the goals of the District, as outlined in the Land Use Element of the Comprehensive Plan and the Mayor's transit-oriented development initiative, and utilizing leading principles of urban design, the Applicant desires to transform this underutilized site into a vibrant residential neighborhood that will contribute substantially to the growing vitality of the Fort Totten area. In so doing, the Applicant seeks to provide a neo-traditional, transit- and pedestrian-oriented environment, complete with substantial landscaping, that is compatible with the uses and building height/density in the surrounding North Michigan Park neighborhood

D. Benefits of the PUD Process

The PUD process is the appropriate mechanism for guiding the development of the Property. Given the Project's significant decrease in building height and density, and intensity of use of the Site from its existing

zoning classifications, the Applicant initially considered pursuing solely an amendment to the Zoning Map to rezone the property from its current FT/C-M-1 and R-2 zoning to R-4. Nonetheless, the Applicant has determined to pursue the Zoning Map amendment in concert with the PUD application in order to provide the neighbors to the Site, the affected advisory neighborhood commission ("ANC"), and the Zoning Commission an increased sense of security in knowing what is planned for the Site, and an opportunity to help shape the Project through both informal discussions in the neighborhood and the public hearing process.

In permitting an applicant to construct a Project that is not completely in conformity with the matter-of-right zoning envelope for a particular property, the PUD process insures that such a project keeps with the general character of, and is not detrimental to, surrounding properties, and to the District and its Zone Plan as a whole. The PUD process accomplishes this balance through public hearing and consideration by the Zoning Commission based upon the expert input of the Office of Planning and the Department of Transportation as well as the views of the affected ANC and the larger community.

A particularly important component of the Zoning Commission's review of any proposed PUD is that of the benefits that a project will provide to the larger community. In the case of the present application, the package of benefits and amenities is particularly significant and supportive of the

residential development planned for this area of the District. The Applicant proposes to establish a residential use on the Site that will: (1) increase residential opportunities, including affordable housing, in a designated housing opportunity area; (2) provide a high-quality transit-oriented development that is in keeping with leading urban design principles and the District's stated goals; (3) revitalize an unutilized site for vibrant residential use; and (4) generate additional revenue to the District in the form of real property and income taxes. Furthermore, new housing such as that here proposed by the Applicant will create demand for more retail and commercial goods and services for Fort Totten and the North Michigan Park neighborhood, an area of the District that historically has not received the extent of retail and residential investment that has been enjoyed by other areas of the District.

II. PROJECT DESCRIPTION

A. Site Location and Description

The Property is identified as Square 3788, Lot 814, and contains a total lot area of approximately 182,600 square feet or approximately 4.19 acres. The site is largely rectangular in shape, and is roughly bounded on the north by the property approved for PUD development as the Rocky Gorge at Fort Totten Emerson Park Townhomes ("Emerson Park Phase I"), on the west by Lot 813 in Square 3788 (former Thos. Somerville Co. site), on the

south by a number of detached dwellings fronting on 6th Place, NE, and on the east by a strip of properties fronting on 7th Street, NE, which are being developed as duplexes by K. Hovnanian (Exhibit F). The Property sits approximately 30' in elevation above both 7th Street, NE, and Emerson Park Phase I.

The Property is well located with respect to public transportation opportunities. The Fort Totten Metrorail Station is located approximately ¼ mile (1,700 feet) to the northwest of the Property.

While the Comprehensive Plan's Generalized Land Use Map identifies mixed-use medium density commercial and production and technical employment uses as appropriate for the Property, the Comprehensive Plan's Generalized Land Use Policies Map includes the Property within both the Fort Totten Housing Opportunity Area and the Fort Totten Metrorail Station Development Opportunity Area (Exhibits C and D). With respect to this latter designation, the Comprehensive Plan identifies conversion of nonresidential property to residential property as a preferred method for achieving additional residential development within housing opportunity areas. The Applicant's effort to establish a new residential use follows this directive of the Comprehensive Plan.

The Property's proximity to the Fort Totten Metrorail Station qualifies the Site as an area designated for Transit-Oriented Development ("TOD"). The Mayor's Task Force has identified TOD in the District of Columbia as a

land use strategy that accommodates new growth, strengthens neighborhoods, and expands choices and opportunities by capitalizing on bus and rail assets to stimulate and support vibrant, compact, diverse and accessible neighborhood centers within an easy walk of transit.

The Property is currently occupied by an abandoned metal shed. Much of the Property is covered by a concrete slab, which was used to accommodate its previous outside storage use. The Site is otherwise vacant.

B. Neighboring Land Uses

The Property stretches from a warehouse at its west to single family residential at its east, across 7th Street, NE, with residential uses on both the north and south. The Site spans two distinct underlying zoning districts, manufacturing (C-M-1) to moderate density residential (R-2), the C-M-1 portion is also subject to the Fort Totten Overlay, which places certain land use controls on businesses and industrial uses to protect surrounding residential areas from adverse impacts. To the immediate south of the Property are a number of semi-detached residences on 6th Place, NE. To the north of the Property is Emerson Park Phase I, designed by the Applicant and approved by the Zoning Commission in Case No. 04-11. To the northeast, east and southeast of the site, the immediately surrounding area is zoned R-2 and improved with a mixture of detached and semi-detached single family residences.

Despite the underlying industrial zoning for a portion of the Property, the Generalized Land Use Policies Map identifies the site and surrounding properties for inclusion in the Fort Totten Metrorail Station Housing Opportunity Area, the Fort Totten Metrorail Station Area Development Opportunity Area, and the Fort Totten Metrorail Station Area Special Treatment Area (Exhibit D).

C. Project Design

The proposed residential development promises to be an exciting new addition to the Fort Totten area, one that incorporates leading principles of urban neo-traditional residential design and TOD. To that end, the proposed townhouses will be sited to address the cul-de-sac, pedestrian access and communication will take priority over vehicular traffic at the fronts of the units, and garages will be accessed from an alley system which runs behind the units in order to reinforce aesthetically pleasing front façades.

- Project Layout:

Two townhouse configurations will be offered in the Project: (1) an 18' x 36' footprint with a rear-loaded large one-car garage integrated into the building, consisting of 2-3 bedrooms and approximately 2,100 gross square feet (including garage and rear deck); and (2) a 20' x 40' townhouse with a rear-loaded two-car garage integrated into the unit, consisting of 2-4 bedrooms and approximately 2,550 gross square feet (including garage and

rear deck). Twenty-four surface parking spaces are proposed on the northern, southern and eastern perimeters of the development, in addition to the fifty-three garage spaces that are being provided throughout the Property, which are accessible in accordance with the Zoning Regulations. The units will be three-stories in height, slab-on-grade, or perhaps with partial basements, with attic space hidden behind a variety of rooflines including gables, hipped roofs, and dormers. Typical units will measure approximately 30 feet in height from finished grade level of the building to the ceiling of the unit's third story.

As demonstrated in the attached drawings (Exhibit B), the townhouses will be arranged into a collection of six buildings across the Property. These buildings will frame the entry into the Property as well as the formal public green. While the westernmost building on the Site will face a warehouse building, a significant landscaped buffer will be planted at this portion of the Site to provide screening for the townhouse units.

- Design and Materials:

Pedestrian-focused urban design and sensitive architectural treatment are essential components of neo-traditional design which fully integrate the Project into the experience and appearance of the existing community and its overall sense of place. As with Emerson Park Phase I, the architectural treatment chosen for the Project, particularly the elevations of the townhouses, is inspired by the Federal-style town house vernacular which

was built throughout Washington in the late nineteenth and early twentieth centuries. The presence of eaves and cornices is in keeping with the rowhouse character. They are richly detailed and consist of layering trim with dentil molding and brackets. This treatment also creates interest on the facades with shadow lines, depth, and texture.

It is important to note that the Property will be subjected to a Homeowners' Association ("HOA"), which, among other things, will ensure a consistency of design and maintenance of the unit properties as well as the open space and the private roads/alley system.

The Project includes a small central green that will serve as the focal point of the Project. The central green is an elongated oval and will provide direct frontage for more than thirty percent (30%) of the units. In addition to, and connected with, this central green, is an eastern "pocket" green, a landscaped semi-circular area with lawn furniture and space for passive recreation. These greens are connected by a landscaped walk that runs between Buildings 4 and 5. Both greens will be extensively landscaped using a variety of coordinated trees, shrubs, and groundcover. (Exhibit B at Sheets C-14 through C-18). There will be landscaped seating areas with benches that are designated by elegant concrete pavers with parquet banding and running bond field for the eastern green. The central green is also designed to serve as a low impact "bio-retention" basin. Both greens will be easily accessible to all units in the Project.

Additional landscaping will be provided at the western end of the Property, to the west of Building 1, providing buffering from the adjacent warehouse, and along the southern portion of the Site, to the south of Building 3.

D. Matter of Right Development Under Existing Zoning

The Property is split-zoned, with portions of the Site located in the R-2 and FT/C-M-1 Districts, respectively (Exhibits E and F). Residential uses are not permitted in the C-M Districts. Therefore, a rezoning of the Property is necessary to permit the residential use herein proposed.

Pursuant to §400 of the Zoning Regulations, the maximum permitted height in the R-2 District is 40 feet (three stories). Pursuant to §402 of the Zoning Regulations, there is no prescribed floor area ratio ("FAR"), although §403 of the Zoning Regulations limits lot occupancy in the R-2 District to forty-percent (40%) for residential uses, which can result in a density of 1.2 FAR. Calculated at a permitted density of 1.2 FAR, the R-2 portion of the Site along would permit a density of approximately 144,364 square feet (120,303 sf x 1.2 FAR).

Pursuant to §840 of the Zoning Regulations, the maximum permitted height in the C-M-1 District for commercial and light manufacturing uses is also 40 feet (three stories). Section 841 of the Zoning Regulations permits new construction and redevelopment up to a 3.0 FAR in the C-M-1 District .

Overall, the C-M-1 portion of the Site alone allows for approximately 218,796 square feet (3.0 x 72,392 sf) of matter of right non-residential usage, at 40 feet in height. The Project as a whole contemplates only approximately 81,576 square feet of development, all of it residential and measuring only approximately 30 feet in height.

Pursuant to §2101 of the Zoning Regulations, parking for one-family dwellings in all residential districts is required at a rate of one parking space for each dwelling unit. As noted above, the Project includes 77 parking spaces, which provides the equivalent of more than two spaces for each dwelling unit.

E. Development Under Proposed Zoning

The Applicant is requesting an amendment to the Zoning Map to rezone the entire site to R-4 in order to permit townhouse construction as proposed in the Project.

Pursuant to §400 of the Zoning Regulations, the maximum permitted height in the R-4 District is 40 feet (three stories). Pursuant to §402 of the Zoning Regulations, there is no maximum FAR in the R-4 District, although, as with the R-2 District, lot occupancy in the R-4 District is limited to 40 percent, which can result in a building density as high as 1.2 FAR. Townhouse construction is permitted as a matter of right in the R-4 District.

As discussed above, the Applicant initially considered making application to the Zoning Commission solely for the Zoning Map amendment to R-4. Alone, this rezoning action would have insured a development that was in general keeping with the moderate density residential uses existing to the north, east and south of the Property, allowing for a project with a building height of approximately 30 feet and a building density of less than 1.0 FAR. Nonetheless, in an effort to afford interested neighbors an additional level of input into the Project, as well as to arrive at an optimal project in terms of compatibility with, and benefits to, the community, the Applicant has submitted a corresponding PUD application to the Zoning Map amendment application. As demonstrated below, the PUD application serves to limit the amount of flexibility for development of the Property otherwise provided by the rezoning.

F. Tabulation of Development Data

	Matter of Right (Existing)	Proposed Zoning (R-4)	PUD Guidelines (R-4)	Project*	Flexibility Requested
Minimum Lot Area	R-2 = 3,000 sf FT/C-M-1 = N/A	1,800 sf	1,800 sf	Each building >1,800 sf	None
Total FAR	R-2 = No Limit FT/C-M-1 = 3.0 FAR	No Limit Prescribed	1.0 FAR	Approx. 0.44 FAR	None
Gross Floor Area	R-2= 144,364sf** FT/C-M-1= 218,796sf Total= 363,161sf		182,595 sf	Approx. 81,703sf	None***
Height	R-2 = 40 ft. FT/C-M-1 = 40 ft.	40 ft.	60 ft.	Approx. 30 ft.****	None
Lot Occupancy	R-2 = 40 % FT/C-M-1 = N/A	60 %	60 %	Approx. 49 %	None
Parking	R-2 = 1 space/unit FT/C-M-1 = N/A	1 space/unit	1 space/unit	77 spaces (2.2 spaces/unit)	None

*Note – Please refer to Exhibit B, Sheet C-10, for specific dimensions of yards provided.

**Note – R-2 permitted density estimated at 1.2 FAR based upon 40% permitted lot occupancy.

***Note – While the FT/C-M-1 district does not permit Residential Use as a matter of right, the chart above demonstrates that aside from the use, the amount of density proposed for the Project is slight compared to the matter of right density under existing zoning.

****Note – Building height may vary slightly depending upon final grade. Height of buildings from the finished grade directly in front of the townhouse unit to the top of ceiling of 3rd floor shall not exceed approximately 30 feet.

III. PLANNING ANALYSIS

A. Introduction.

Through the PUD process, the Applicant will develop a high-quality residential development that will achieve an important goal of the District of Columbia: increasing the District's residential population by, among other efforts, establishing a residential use on formerly non-residential property that is in close proximity to public transportation.

The adjustments that are sought through the rezoning of the Property are consistent with other developments in the area and are within the PUD guidelines established in the Zoning Regulations for the requested R-4 District.

B. Land Use Impact.

Throughout the design and planning process for this residential Project, much care has been given to the efficient and economical utilization of the Site, especially given its shape and location. The Applicant submits that this Application goes far to improving the land use of the Property consistent with the Zone Plan, the Comprehensive Plan and neighboring uses.

The Project accomplishes this by offering a significant yet appropriate amount of premium new residential construction in an area of the District that has not recently enjoyed much in the way of residential investment. The proposed uses are likewise compatible with adjacent land uses. Furthermore,

as detailed herein in Section VIII, the Applicant's proposal furthers many goals stated in the District's Comprehensive Plan, most notably regarding housing, transportation, and economic development.

Notably, a significant portion of the Site is zoned FT/C-M-1, which permits, as a matter of right, significantly greater building heights and densities than would be permitted under the proposed R-4 zoning or as proposed in the present application. The FT/C-M-1 District permits 3.0 FAR, the R-4 District allows 1.0 FAR and the application proposes only 0.44 FAR.

C. Zoning Impact.

The proposed rezoning of the Property to the R-4 District is entirely consistent with the surrounding area and the goals for the Fort Totten community. Furthermore, the accompanying PUD application restricts development on the Property to a building height of less than forty feet, a building density of less than 1.0 FAR (approximately 1/2 of current permitted density), and provides more than the required parking on the site. In fact, were the Property zoned entirely R-2, the Project proposed by the application would comply with the applicable R-2 requirements for building height, density, parking and others. The Applicant has remained cognizant of the low residential R-2 zoning of the surrounding neighborhood, and, as discussed herein, has made great efforts to reduce the scope of work to

remain consistent with the underlying pattern of development in the immediate area.

D. Environmental Impact.

As more specifically detailed in Section VII of this Statement, there is no adverse environmental impact that would result from this Project being undertaken. The increased use in water and sanitary services will have an inconsequential effect on the District's delivery systems. Because the Property is considered to be an infill project, there are adequate connection opportunities to all major utilities.

E. Facilities Impact.

The Project will not have an adverse impact on the public facilities that it will rely upon for service. Located within ¼ mile and a ten-minute walk of the Fort Totten Metrorail station, as well as in proximity to several different bus routes, the Project is adequately served by public transportation. Furthermore, the Project provides an amount more than twice the required parking in order to protect against any spillover of parking demand on neighboring streets.

IV. EVALUATION STANDARDS

Section 2403 of the Zoning Regulations provides the standards by which the Zoning Commission is charged with evaluating a PUD application.

As set forth herein, this application comports with said standards and is deserving of approval by the Zoning Commission.

A. Public Benefits and Project Amenities

The objective of the PUD process is to encourage high quality development that provides public benefits and project amenities by allowing applicants greater flexibility in planning and design than may be possible under conventional zoning procedures. Section 2403.9 of the Zoning Regulations provides categories of public benefits and project amenities for review by the Zoning Commission. In approving a PUD, the Zoning Commission must determine that the impact of a PUD on the surrounding area and on the operation of city services and facilities is either not unacceptable, is capable of being mitigated, or is acceptable given the quality of public benefits provided by said project (11 DCMR §2403.3).

This consolidated application will achieve the goals of the PUD process by providing high-quality residential development with ample parking in a designated housing opportunity area and in close proximity to a Metrorail station. The Project envisions significant improvements to the site, including extensive landscaping and an attractive central park. A summary of the Project amenities and community benefits proposed by the Application is attached as Exhibit H.

1. Urban Design, Architecture, Landscaping, or Creation or Preservation of Open Spaces

Section 2403.9(a) lists urban design, architecture and landscaping as categories of public benefits and project amenities for a PUD. This application presents a residential design that accomplishes all of these criteria. As discussed above, the Project has been carefully designed to follow neo-traditional design principles, including rear-loaded garages accessed through an alley system, the inclusion of a public green that serves as the focal point of the development, a coordinated internal sidewalk system that allows for a high level of neighborhood walkability, and easy connections to both nearby transit and other uses in the surrounding community.

Due to the steep grade along the northern edge of the Property, virtually all of the existing vegetation in that location will be preserved for slope stabilization purposes. Additional plantings on the Site will be comprised of native/indigenous species that have been approved for use by the Urban Forestry Division of the D.C. Department of Public Works. The planting of exotic ornamentals species will be kept to a minimum and used only as foundation plantings on the private lots or in some cases sparingly within the eastern pocket green.

2. Site Planning, and Efficient and Economical Land Utilization

Pursuant to §2403.9(b) of the Zoning Regulations, “site planning, and efficient and economical land utilization” are public benefits and project amenities to be evaluated by the Zoning Commission. The proposed development epitomizes efficient site utilization and planning.

On a physical level, the Project makes very efficient use of its shape and topography. The Project is also an efficient and economical use of land in that it will generate a significant amount of revenue for the District in the form of vastly increased property taxes payable and income taxes payable by new residents. Furthermore, the new occupants of the 35 units will add significantly to the market demand for existing neighboring retail uses and amenities, further invigorating the neighborhood.

As set forth above, the Project also epitomizes the transit-oriented development ("TOD") model that the Mayor's Task Force and the Office of Planning have championed throughout the District in efforts to enhance traditional neighborhood centers with minimal disruption. In the case of an established urban jurisdiction such as the District, TOD is accomplished more in the form of in-fill projects rather than wholesale neighborhood design. The TOD model stresses six design principles, namely: (1) orientation and connectivity; (2) quality public realm and amenities; (3) pedestrian-friendly, safe environment; (4) attractive architecture and design; (5) mix of

uses; and (6) creative parking management. As discussed throughout this Statement, the Project, in the context of the surrounding area, satisfies each and every one of these criteria. Successful TOD results in increased property values, tax base and economic strength throughout a neighborhood as well as protection of the existing neighborhood character by focusing development nearest transit.

3. Housing

Under §2403.9(f) of the Zoning Regulations, the PUD guidelines state that the production of housing is a public benefit that the PUD process is designed to encourage. In furtherance of this important goal, under the current Zoning Regulations, the proposed PUD project will add a total of 35 residential units. This provision is especially important given that the Site is located within the Fort Totten housing opportunity area, and, as such, non-residential property is encouraged under the Comprehensive Plan to be transformed into residential property.

The Zoning Regulations provide no specific requirement that a certain portion of any housing provided in a residential PUD must be reserved as affordable housing, as defined in Chapter 24 of the Regulations. Certainly, the housing linkage requirements established in §2404, and pertaining to PUD applications involving a request for increased commercial density, provide that a certain correlation between the increased commercial square footage and the affordable housing required to be provided. And in certain

recent PUD approvals involving not commercial but residential PUDs, the Zoning Commission has borrowed from the housing linkage regulations in requiring that affordable housing be provided in those cases where the residential density proposed is greater than otherwise permitted as a matter of right. The Commission has generally set the bar at 15 percent of the increased building density being approved per the PUD and Zoning Map amendment.

In the present case, however, the Commission is confronted with neither of the above scenarios. In the first instance, the Project is not a commercial project, but purely residential. Thus, the housing linkage requirements of §2404 are not applicable. Likewise, in the present case, no increased building density is being requested. In fact, only a fraction of the building density currently available on the site as a matter of right is proposed to be developed under the Project. Whereas, more than 360,000 square feet could conceivably be developed on the Site consistent with its existing zoning, less than 82,000 square feet will be capable of development upon the PUD approval. Thus, there is absolutely no increased building density upon which the Zoning Commission might base an affordable housing requirement.

Nonetheless, after undertaking extensive study of the median income levels for the metropolitan Washington area as established the U.S. Department of Housing and Urban Development ("HUD"), and after

scrutinizing the extensive Project costs, the Applicant has determined that it can dedicate a total of two units of the Project for use/occupancy/ownership by Moderate-income households as defined in §2499 of the Zoning Regulations. If the Zoning Commission is approving of the PUD application and the affordable housing dedication, the Applicant will proceed per the Commission's direction to restrict the occupancy, ownership, and resale of the unit(s) to qualifying parties for a period of 20 years in a manner similar to that established as part of the Emerson Park Phase I PUD approval.

4. Access and Transportation

Pursuant to §2403.9(c) of the Zoning Regulations, “Effective and safe vehicular and pedestrian access; transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts” are representative public benefits and project amenities.

As mentioned above, the Project provides an ample supply of on-site parking. This amount is proposed in order to ensure that the Project does not increase the pressure on the neighborhood for limited street parking. It is not provided with the intent to discourage use of public transportation. Indeed, the Applicant expects the Project's proximity to public transportation to serve as a major amenity to prospective purchasers. The Property is ideally located for residential development in that it is within easy walking distance of a Metrorail station and several Metrobus routes. Likewise, the connection proposed by the Applicant between 6th Street, NE, and Emerson

Street, NE, although it will be a "private" road, will be open for public use and serve to increase vehicular and pedestrian connections.

5. Environmental Benefits

The Site's stormwater run-off will be accommodated in compliance with standards set by the District of Columbia Department of Public Works. Further, the Project will be constructed in full compliance with the energy conservation standards of the District of Columbia Building Code. Conformance to code standards will minimize the amounts of energy needed for the heat, ventilation, hot water, electrical distribution and lighting systems contained in the building.

6. Comprehensive Plan

According to §2403.9(j), public benefits and project amenities include "other ways in which the proposed planned unit development substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan". For Project compliance with the provisions of the Comprehensive Plan, please see herein at Section VIII.

7. Other Benefits and Amenities of Special Value

It should not be forgotten that, at its core, the Project involves removing the Property from its longstanding industrial/storage use and replacing it with vibrant residential use consistent with the Comprehensive Plan, the stated TOD goals of the District, and the indicated preferences of the neighboring community.

VI. TRANSPORTATION ANALYSIS

The proposed residential development will not have a significant impact on traffic in and around the Property. As noted above, the Project provides 77 on-site parking spaces, more than twice the number of spaces required by the Zoning Regulations for one-family dwellings (1 parking space for each dwelling unit required). The Project likewise provides an efficient connection for automotive and pedestrian traffic between 6th Street, NE, and Emerson Street, NE. The Applicant's traffic consultant is in process of undertaking an examination of the Project plans, including the vehicular connection, and discussions with the District's Department of Transportation. The Applicant will submit this analysis to the Zoning Commission under separate cover.

VII. ENVIRONMENTAL ANALYSIS

A. Water Demand

The average daily water demand for the Project can be met by the existing District water system. The proposed connection for fire supply will be made within the existing distribution system and will be coordinated with the D.C. Department of Public Works.

B. Sanitary Sewer Demand.

The proposed connection for the sanitary sewer line will be made with the existing distribution system and will be coordinated with the D.C. Department of Public Works.

C. Stormwater Management.

The Site's stormwater run-off will be accommodated in compliance with standards set by the D.C. Department of Public Works. In order to enhance the environmental benefits of the Site, innovative storm water techniques will be provided in the form of two underground filtration devices and storage tanks which will help to reduce pollutant loading in the storm water runoff. In addition, the Applicant will attempt to use low impact development techniques, Best Management Practices ("BMP"), where possible. These BMP facilities will treat the runoff and filter out a majority of the pollutants before reintroducing the runoff into the public storm sewer system.

D. Solid Waste Services.

Solid waste will be collected regularly by a private contractor from covered receptacles for appropriate disposal. These receptacles will be in the form of rolling garbage cans (toters) that each resident will store within his garage out of sight from public view except on collection days as stated within the community HOA guidelines and codes, covenants, and restrictions.

E. Electrical Services.

Electricity for the building will be provided by the Potomac Electric Power Company (PEPCO) in accordance with its usual general terms and conditions of service. All electrical systems will be designed to comply with the D.C. Energy Code.

VIII. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Project advances the purposes of the Comprehensive Plan, is consistent with the Generalized Land Use Map, and furthers and complies with the major themes and policies for the District and Ward 5 elements in the Comprehensive Plan.

A. Purposes of the Comprehensive Plan

The purposes of the Comprehensive Plan are six-fold:

(1) Define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) Guide executive and legislative decisions on matters affecting the District and its citizens; (3) Promote economic growth and jobs for District residents; (4) Guide private and public development in order to achieve District and community goals; (5) Maintain and enhance the natural and architectural assets of the District; and (6) Assist in conservation, stabilization, and improvement of each neighborhood and community in the District.

D.C. Official Code §1-245(b).

The Project significantly advances these purposes by promoting the social and economic development of District residents through the provision of quality residential development at a location designated for housing, achieving the community goal of adequate parking, and enhancing the natural and architectural assets of the District.

B. Generalized Land Use Map

The proposed Project is consistent with the Generalized Land Use Map, which designates the PUD Site for medium density commercial and production and technical employment uses but also includes it within the Fort Totten Metrorail Station Housing Opportunity Area (Exhibits C and D). The Comprehensive Plan supports the conversion of non-residential property to residential property as a preferred method for achieving additional housing within housing opportunity areas.

C. Compliance with Major Themes of the Comprehensive Plan

The Project is consistent with many of the Comprehensive Plan's major themes as follows:

1. Respecting and Improving the Physical Character of the District

The PUD process will ensure the development of an exceptional design and appropriate density in this well-developed and established community. The Project not only replaces an abandoned storage facility with a vibrant residential development, but also accomplishes this transformation in a

manner that is consistent and complementary to the density and layout of the immediately surrounding neighborhood.

2. Reaffirming and Strengthening District's Role as the Economic Hub of the National Capital Region

The Comprehensive Plan encourages making maximum use of the District's location at the center of the region's radial Metrorail and commuter rail systems. See 10 DCMR §109.1(b). The Project takes advantage of this asset by its proximity to the Fort Totten Metrorail Station as well as numerous routes of Metrobus. It fulfills the tenets of TOD espoused by the District and furthers the efforts to create housing need to bring additional residents to the District.

3. Preserving and Ensuring Community Input

Beginning in the Summer of 2003, the Applicant initiated contact with adjacent neighbors to the Site and with ANC representatives in an effort to gather community input on Emerson Park Phase I and to gain community support. Throughout that project's PUD process, the Applicant attempted to address concerns raised by interested members of the Fort Totten community. The Applicant's responsiveness to the surrounding community was evident in its decision to reduce the density of that project to virtually half of that which was originally proposed. The Emerson Park Phase I project was transformed from a series of four-story "two-over-two" condominium buildings into a single family townhouse environment more

suited to the immediate neighborhood. Likewise, community concerns as to parking, traffic, and green space issues were thoroughly reviewed by the Applicant and thoughtfully incorporated into the application. The Applicant will continue to work with the community to address any identified issues with respect to the proposed Project, which is consistent with Emerson Park Phase I in terms of its high quality of design and construction, thoughtful pedestrian-oriented site planning and extensive landscaping.

D. Compliance with Major Elements of the Comprehensive Plan

The Project furthers the objectives and policies of many of the Comprehensive Plan's major elements as follows:

1. Economic Development Element

According to the Economic Development element of the Comprehensive Plan, the District places a high priority on stimulating and facilitating a variety of commercial, retail and residential development investments appropriate to selected Metrorail station areas outside of the Central Employment Area, consistent with the Land Use element and ward plans, with sensitivity to the surrounding area. 10 DCMR § 204.2(m). The proposed development serves to attract and retain residents which further increases the tax base and creates revenue for the District of Columbia.

2. Housing Element

According to the Housing element of the Comprehensive Plan, housing in the District is viewed as a key part of a total urban living system that includes access to transportation and shopping centers, the availability of employment and training for suitable employment, neighborhood schools, libraries, recreational facilities, playgrounds, and other public amenities. (10 DCMR § 300.4). A policy of the Comprehensive Plan is to designate, as residential development opportunity areas, sites where significant housing development can appropriately occur. (10 DCMR § 302.2(d)). The Property exemplifies the characteristics set forth in this element. The Property is designated as a housing opportunity area, is located in close proximity to the Fort Totten Metrorail and Metrobus stations, and will further the total urban living system with its access to public transportation.

3. Transportation Element

A basic philosophy of the District's Transportation element is to provide for the efficient movement of people and goods within the District and its metropolitan area.(10 DCMR § 500.2). The policies established in support of the general transportation objectives include supporting land use arrangements that simplify and economize transportation services. (10 DCMR § 502.1(a)). The location of the Project near the Fort Totten Metrorail and Metrobus stations as well as its location within a larger mixed use area is appropriate and furthers this goal. The construction of a private road

connection between 6th Street, NE, to the south, and Emerson Street, NE, to the north will likewise further the efficient movement of automotive as well as pedestrian traffic.

4. Urban Design Element

The Urban Design element states that it is the District's goal to promote the protection, enhancement and enjoyment of the natural environs and to promote a built environment that serves as a complement to the natural environment, provides visual orientation, enhances the District's aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient.(10 DCMR § 701.1).

The Project has been designed to greatly enhance the physical character of the area and complement the materials, height, scale and massing of the surrounding land uses.(10 DCMR § 708.2).

The streetscape objective of this element is to establish a clear classification of streets and sidewalks that is functionally efficient and visually coherent, enhances the pedestrian environment, and provides for the orderly movement of goods and services.(10 DCMR § 709.1). The Project provides efficient pedestrian connections both within and outside of the Property.

5. Land Use Element

The Land Use element encourages a substantial amount of new housing primarily in housing opportunity areas and near Metrorail Stations

in order for the District to perform its role as the region's urban center providing the greatest density of jobs and housing.(10 DCMR § 1100.2(b)). The Project furthers this goal because the Property is adjacent to the Fort Totten Metrorail and Metrobus stations and is designated as a housing opportunity area.

The Land Use element includes the Property within the Fort Totten Metrorail Station Housing Opportunity Area. Housing opportunity areas are areas where the District expects and encourages either new housing or rehabilitated housing. Housing opportunity areas are not the only areas where new housing units will become available, but represent locations of significant concentrations. The conversion to residential uses of land in a housing opportunity area and which is currently zoned commercial-light manufacturing is consistent with this policy.

E. Compliance with Ward 5 Elements of the Comprehensive Plan

In addition to the overall planning considerations of the Comprehensive Plan, the proposed PUD advances many of the specific objectives and policies for the Ward 5 Plan, as set forth below.

1. Ward 5 Economic Development

Development is sought in Ward 5 which will enhance and expand existing businesses, create new ownership opportunities, increase retail

services and opportunities for ward residents, and promote the vitality of ward neighborhoods. Economic development potential in Ward 5 is perceived as particularly high in and around Ward 5's three metrorail stations. The Project herein proposed goes far to address and capitalize on these various issues.

2. Ward 5 Housing Element

Primary housing objectives in Ward 5 include the protection and preservation of the Ward's housing stock, the production of new housing, and the provision of incentives for housing at desired locations such as the Fort Totten Metrorail Station Special Treatment Area. (10 DCMR §§ 1608.1(a)(b)(c)). The Project, a portion of which is included within the Fort Totten Metrorail Special Treatment Area, responds to these important objectives through its significant contribution to the housing stock.

3. Ward 5 Transportation Element

Two of the primary objectives for transportation in Ward 5 are to increase the use of mass transit and to improve the pedestrian environment on major streets and roadways. (10 DCMR §§ 1614.1(a)(e)). The residents of the proposed PUD will be able to take advantage of the PUD Site's close proximity to the Fort Totten Metrorail and Metrobus stations.

4. Ward 5 Urban Design Element

The PUD Project specifically and substantially addresses the objectives in the Ward 5 Urban Design element, including: the promotion of a physical environment that upgrades the ward's aesthetic qualities, enhances neighborhood stability, emphasizes neighborhood identity and function, and physically enhances the gateways and entrance ways into the District (10 DCMR § 1620.1(a)); and the provision of special design attention to those areas in the ward that maintain a poor physical image, where new development can improve the neighborhood's visual qualities while providing needed services (10 DCMR § 1620.1(b)). The PUD Project provides an exceptionally designed residential development that will help to physically revitalize the Fort Totten area while creating a sense of community through its design.

5. Ward 5 Land Use/Zoning Element

Important among the Ward 5 actions in support of land use and zoning is determining the appropriate mix of uses, scale, density and design of development in the Fort Totten Special Treatment Area in order to fully realize the area's potential for development and to serve the Ward 5 community and District, and to protect and preserve the surrounding residential areas. (10 DCMR § 1630.1(b)). The Project provides much needed residential development that will significantly revitalize the neighborhood

surrounding the Fort Totten Special Treatment Area. The Applicant also continues to work closely with the Advisory Neighborhood Commission – another recommended action of this element.

As discussed in detail above, the Project conforms to the goals, objectives, and policies of the Comprehensive Plan, including the ward plan.

IX. AREAS OF FLEXIBILITY

The PUD process was created to allow greater flexibility in planning and design than may be possible under conventional zoning procedures. Under §2405.7 of the Zoning Regulations, the Zoning Commission may approve any use that is permitted as a special exception or that would otherwise require the approval of the Board of Zoning Adjustment. Further, §2405.8 provides that the Zoning Commission is not required to apply the special exception standards normally applied by the Board. Similarly, per §2405.5, the Commission is granted the option to approve yards or courts greater or lesser than the normal requirements.

Consistent with §2516 of the Zoning Regulations, the Project involves the siting of multiple buildings on a single record lot. Because the buildings in the Project have no public street frontage, the Applicant must divide the lot into theoretical building sites (Exhibit B, Sheets C-10 and C 10.1). As such, §2516.5 requires that the theoretical building sites maintain open space

in front of the building entrance equivalent to the required rear yard. As demonstrated at Exhibit B, Sheet C-10.1, all of the buildings provide more than twenty feet of open space in their respective fronts (twenty feet is required rear yard for R-4 districts), although the open space in front of a few of the theoretical sites includes the vehicular drive surrounding the central oval green. As such, the Applicant may require flexibility from the appropriate provisions of §2516 of the Zoning Regulations.

The Applicant has made every effort to provide a significant level of detail in the drawings. Nonetheless, some additional flexibility is necessary that cannot be anticipated at this time. Specifically, the Applicant requests flexibility in the following areas:

- (1) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the buildings;
- (2) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of materials; and
- (3) To make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit.

X. CONCLUSION

For all the foregoing reasons, Rocky Gorge Development, LLC, submits that the consolidated PUD and Zoning Map amendment application meets the standards set forth in Chapter 24 of the Zoning Regulations; is consistent with the purposes and intent of the Zoning Regulations and Zoning Map; will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia; satisfies the requirements for approval of a consolidated PUD and Zoning Map amendment; provides significant public benefits and project amenities; and advances important goals and policies of the District of Columbia.

Accordingly, the Applicant requests that the Zoning Commission set down the PUD and Map Amendment applications for public hearing at its earliest opportunity.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: Whayne S. Quin
Whayne S. Quin

Dennis R. Hughes
Dennis R. Hughes