HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N W
Suite 100
Washington, D C 20006-6801

202-955-3000
202-955-5564 Fax
www hklaw com

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September 8, 2004

DENNIS R. HUGHES
202-419-2448
dennis hughes@hklaw com

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VIA HAND DELIVERY

District of Columbia Zoning Commission
441 4th Street, N W
Suite 210S
Washington, D C 20001

Re Rocky Gorge at Fort Totten, LLC
Zoning Commission Case No. 04-11

Dear Members of the Commission

On behalf of Rocky Gorge at Fort Totten, LLC, we submit the following materials pursuant to Section 3013 of the Zoning Regulations.

1. Original and twenty copies of a Supplemental Statement of Applicant for Consolidated Review and Approval of a Planned Unit Development and Zoning Map Amendment

2 A check in the amount of $8,726.20 for payment of the public hearing fee.

With this supplemental filing and payment of the hearing fee, the applicant requests that the Commission schedule Case No 04-11 for public hearing at its very earliest available date

Thank you for your attention to this matter Please do not hesitate to contact me with any questions

Sincerely,

Dennis R Hughes

Enclosures

cc. Norma Broadnax, Advisory Neighborhood Commission 5A,
Chair and SMD 5A-03
Joseph Bowser, SMD 5A-04
Ellen McCarthy, DC Office of Planning
Jennifer Steingasser, DC Office of Planning
Arthur Jackson, DC Office of Planning

ZONING COMMISSION
District of Columbia
CASE NO. 04-11
EXHIBIT NO. 14

ZONING COMMISSION
District of Columbia
CASE NO.04-11
EXHIBIT NO.14

BEFORE THE

DISTRICT OF COLUMBIA ZONING COMMISSION

APPLICATION NO. ZC 04-11

OF
ROCKY GORGE
AT FORT TOTTEN, LLC

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

APPLICANT'S SUPPLEMENTAL STATEMENT

September 8, 2004

PREFACE

Pursuant to Chapter 24 of the District of Columbia Zoning Regulations (11 DCMR), this Supplemental Statement is submitted to the District of Columbia Zoning Commission by Rocky Gorge at Fort Totten, LLC, a Maryland limited liability company, (the "Applicant") in further support of Application No ZC 04-11, for the consolidated review and approval of a planned unit development ("PUD") and a related amendment to the Zoning Map for property located on the south side of Emerson Street, west of 7th Street, NE This property is currently split-zoned R-2, Fort Totten ("FT")/C-M-1 and FT/M The Applicant is seeking PUD approval and rezoning of the property to the R-4 District in order to construct a neo-traditional residential development consisting of seventy-five (75) single family townhouses The property is located in Ward 5 and within the boundaries of Advisory Neighborhood Commission 5A

DEVELOPMENT TEAM

Applicant:	Rocky Gorge at Fort Totten, LLC Suite A320 7900 Westpark Drive McLean, VA 22102
Architect:	Design Concepts Architects 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

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LIST OF EXHIBITS

Description	Exhibit
Supplemental Architectural Drawings Partial site plan identifying distances from rail tracks Partial section identifying physical buffer from railroad	A
Outlines of Witness Testimony	B
Letters of Acceptance (Draft)	C
Certificate of Compliance with Section 3013	D
List of Names and Addresses of each Person having a Lease with the Owner for All or Part of any Building located on the Property Involved in the Application	E
List of Maps, Plans or other Documents readily available which will be offered into Evidence	F

LIST OF WITNESSES

John W. Anderson, or other Representative of Rocky Gorge at Fort Totten, LLC

Gregory Long, or other Representative of Bowman Consulting Group, Ltd

Smita Anand, or other Representative of Design Concepts Architects

Martin J. Wells, or other Representative of Wells & Associates, LLC

Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP

Estimated time required for presentation of Applicant's Case **1.5 Hours**

I. INTRODUCTION

This Supplemental Statement and the attached documents support Application No ZC 04-11 to the Zoning Commission for the consolidated review and approval of a PUD and a related amendment to the Zoning Map for property located at 611 Emerson Street, NE, a portion of Lot 811 in Square 3788 (the "Subject Property" or the "Site"). The Applicant is seeking PUD approval and rezoning of the Site to the R-4 District in order to construct seventy-five (75) single family townhouses, each with garage parking (the "Project") The Project 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 Subject Property as being within a housing opportunity area.

Application No ZC 04-11 was filed with the Zoning Commission on April 16, 2004 At its June 14, 2004 public meeting, the Zoning Commission voted to set-down the Application for public hearing **With the filing of this Supplemental Statement, the Applicant: (1) identifies and addresses the zoning flexibility requested by the Application; (2) responds to specific issues raised at the Zoning Commission's set-down meeting; (3) provides a further formalized package of community benefits; (4) satisfies the administrative requirements of Chapter 24 of the Zoning Regulations; and (5) requests that the Zoning Commission set Application No. ZC 04-11 for public hearing at its earliest available date.**

II. ZONING FLEXIBILITY / DEVELOPMENT INCENTIVES REQUESTED BY APPLICATION

As an incentive for the development of high-quality projects and public benefits, the PUD process was created to allow greater flexibility in planning and design than may be possible under conventional zoning procedures In deciding a PUD application, the Zoning Commission is directed by §2403 8 of the Zoning Regulations "to judge, balance, and reconcile the relative value

of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case."

The Application is exceptional among those considered by the Zoning Commission in that it contains no request for additional building density, height, or lot occupancy In fact, the density, height and lot occupancy proposed for the Project is significantly less than otherwise could be developed as a matter of right under the existing mixed FT/M, FT/C-M-1, and R-2 zoning for the Site This unusual scenario is evidenced in the comparative table below

	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 FT/M = 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 FT/M= 6 0 FAR	No Limit Prescribed	1 0 FAR	Approx 0 69 FAR	None
Gross Floor Area	R-2= 173,376sf FT/C-M-1= 172,788sf FT/M= 736,602sf Total= 1,082,766sf		255,975 sf	Approx 175,244 sf	None
Height	R-2 = 40 ft FT/C-M-1 = 40 ft FT/M = 90 ft	40 ft	60 ft	Approx 30 ft	None
Lot Occupancy	R-2 = 40 % FT/M = N/A FT/C-M-1 = N/A	60 %	60 %	Approx 26 %	None
Parking	R-2 = 1 space/unit FT/C-M-1 = N/A FT/M = N/A	1 space/unit	1 space/unit	156 spaces (2 spaces/unit)	None

The zoning flexibility/development incentives requested through the Applicant's PUD is not one of density, height or other quantitative measure, but rather one only of permitted use As the Commission is aware, residential use is not a matter of right use in the M and C-M-1 Districts Thus, without the Zoning Map amendment requested in the Application, residential use currently is only permitted on approximately the eastern one-third of the Site. The rezoning to R-4 use is

requested solely to permit residential use across the entire Site As the table above demonstrates, the Project seeks no flexibility from the permitted building density or height on the Site In fact, the Project proposes only approximately 15 percent of the building density and 33 percent of the building height currently permitted under existing zoning The Applicant has selected the R-4 District in order to provide the most restrictive residential zoning for the Site while at the same time allowing for row house development to better cluster the Project The proposed density is in keeping with surrounding long-established residential development

In coordination with the Zoning Map amendment request, the Applicant is pursuing the PUD approval to provide the Zoning Commission, the affected Advisory Neighborhood Commission ("ANC") and the neighbors to the Site an increased sense of security, comfort, and input into the future development of the Site, both through informal discussions in the neighborhood and through the public hearing process To that end, the Applicant has met with the community, including ANC 5A, on numerous occasions over the course of the past 12 months The community has been exceedingly receptive to the Applicant's proposal to convert the abandoned concrete plant on the Subject Property into residential use The Applicant likewise has been responsive to the numerous suggestions it has received from neighbors and from members of ANC 5A For instance, the Applicant early on listened to neighbors' concerns over the density proposed in the Applicant's initial plans for 130+ units, consisting primarily of two-over-two apartment units on the Site The Applicant thoroughly reexamined the Site and the Project and presented a significantly revised plan to the community, and now to the Zoning Commission, a plan which proposes 75 rowhouse units arranged in a manner that is compatible in scale and layout with the surrounding neighborhood As noted below, the Applicant also has continued its dialogue with neighborhood residents and members of the ANC, including arriving at a community benefits package that is directly responsive to suggestions raised by the community.

Thus, the Application here presented to the Zoning Commission is to allow the abandoned industrial site to be converted into a moderate density residential use, which is consistent with the Comprehensive Plan, supported by the surrounding community, and which entails significant physical improvement to the Site and to the surrounding neighborhood The Project contemplates approximately 175,000 square feet of residential development, whereas matter of right development would permit more than 1,000,000 square feet of development Nonetheless, given the industrial zoning of a portion of the Site, the Zoning Commission's approval is required to make this important and well-received residential project a reality

III. RESPONSES TO ISSUES RAISED AT SET-DOWN

In the discussion leading up to the Commission's decision to set down the Application for public hearing, members of the Commission raised a small variety of questions and comments for the Applicant's consideration in proceeding with the Application At the same time that it directed the Applicant to further study its public benefits package (discussed below), the Commission noted that the Application included a zoning change from industrial (FT/M and FT/C-M-1) to residential (R-4) for a portion of the Subject Property The Commission indicated general concern in two regards with respect to this change

- The continuing loss of industrially-zoned land, reducing the areas in the District where the industrial base could be accommodated; and
- The insertion of a residential development into an area which would continue to have industrial zoning and uses around it, which is in close proximity to the railroad and Metrorail rights-of-way and which could be subject to potential adverse effects from the heavy development associated with industrial activities and the noise impacts of the rail line

A. Loss of Industrial Land:

The basic pattern for industrial zoning in the District follows from the adoption of the Zoning Regulations and Zoning Map in 1958 The Lewis Plan studies leading up to the adoption

of the 1958 Regulations and Maps indicated that "Space must be found . for new businesses and industrial establishments in outlying sections of the city" and identified the following factors to guide the selection of those areas

- Traffic access (major highways or express transit stops)
- Non-residential environment
- Proximity to work force
- Underdeveloped or vacant land.
- Existence of physical barriers or buffers to shelter the new growth from incompatible land uses and to stabilize the line between them so that investments can be secure on either side

The land use plan which Harold Lewis developed identified areas for heavy commercial or industrial use essentially along the rivers and railroad lines, reflecting the kind of transportation access that was assumed to be necessary to support those areas However, since 1958, the District's industrial base has evolved such that it is not devoted to manufacturing or heavy production type uses Rather, the uses which have been located in industrial areas are warehouses, storage, high technology development, automotive repair and infrastructure related activities (i e , concrete batching, recycling, trash transfer, etc.)

The Comprehensive Plan recognizes this condition by designating this land use category as "Production and Technical Employment" (or "PTE"), rather than as industrial or manufacturing The Comprehensive Plan defines PTE areas to include

> "Restructured industrial land intended to encourage growth industries and industries with a high ratio of employees to land area occupied, such as office support services, communications, printing and publishing, wholesaling, transportation services, food services, and tourism support services,
>
> Warehousing; and
>
> Other commercial activities which generally do not occur to substantial degree in other commercial areas as the predominant uses." (10 DCMR 1110 1)

These types of uses do not essentially rely on rail or ships for access and therefore do not need to be located as the industrial zones that have been established

The policies and market forces which have taken root over the years have led to the conversion of areas previously zoned industrial to mixed commercial and residential uses These areas include the Georgetown Waterfront, the West End, Reed-Cooke and Takoma Areas which are moving in that direction include North Capitol Street, Capitol South, Buzzard Point/Capitol Gateway and Howard Road

The Fort Totten area is one which has been devoted to a variety of uses suitable for industrial zoning, including warehousing, concrete mixing, trash transfer and oil storage and distribution However, most importantly, the Comprehensive Plan has designated this area as a Special Treatment Area, a Development Opportunity Area, and a Housing Opportunity Area

Special Treatment Area

The policies established are as follows

(a) Maximize Metrorail access and leveraging,
(c) Develop surplus WMATA and unused industrial land for medium density residential and commercial mixed uses,
(d) Protect and preserve existing low scale residences in the vicinity,
(e) Increase the residential component to strengthen local commercial establishments on Riggs Road, NE;
(g) Establish a "mini-in-town" community " (10 DCMR 1122 2)

The Project furthers each of these important policies

Development Opportunity Area

These areas are places where the District expects to accommodate new growth and development They usually

(a) Are located at or near selected Metrorail stations;
(b) Have a significant amount of vacant or poorly used land,
(c) Are potential surplus property sites; and
(f) Are places where development can be used to improve neighborhood quality and stability (10 DCMR 1118.4)

Again, the Project satisfies each of these criteria.

Housing Opportunity Area

These are areas where the District expects to encourage new or rehabilitated housing The conversion of existing nonresidential buildings for housing is specifically identified as a method to result in additional housing units The criteria applicable to such areas are the same as those listed above for development opportunity areas

It would be prudent for the District to determine how much land and where in the District it would be desirable to accommodate legitimate heavy commercial and infrastructure needs The Office of Planning advised the Commission at the time of setdown that it intended to engage a consultant to study this issue and make recommendations

Nonetheless, the Comprehensive Plan is clear in its guidance that the Fort Totten area is one where residential uses, as well as commercial, are appropriate to be introduced The Project is directly responsive to the criteria of the Special Treatment Area It will provide residential uses within close proximity to the Metrorail station, it will provide residents who will patronize businesses in the area, and it will serve as an important transition to the existing low-density single family area to the east of 7th Street

B. Suitability of Residential Development of Subject Property Amidst Surrounding Land Uses:

Members of the Zoning Commission also expressed certain reservations as to the suitability of the development of the Subject Property for residential use and what impacts might be expected both upon future residents of the Project an upon the larger area. As noted above, there is an expectation and a likelihood in the long run that the heavier commercial uses in the area will be replaced with residential and commercial uses While there may be a period of time that the warehouses and other similar uses will overlap with the residential construction, the long-term future prospect is that the development of these new residential units will be followed by other units like them. At present, the industrially-zoned portions of the Site are subject to the Fort

Totten Overlay District (FT), which includes among its purposes the protection, through buffering, of surrounding residential areas from the adverse impacts of existing industrial uses

In any event, the Applicant has carefully designed the Project so that the future residents will be protected from adverse consequences The entrance to the Project is from Emerson Street, NE, which is part of the residential neighborhood extending to the east The site plan has been designed, by virtue of topography and screening, to provide both distance and buffer from the uses to the south and the rail lines to the west Additional detailed plans showing the separation from the rail lines have been included at Exhibit A of this Supplemental Statement

The urban context of the District is such that virtually all uses in most neighborhoods have some degree of proximity and interaction with surrounding uses. The railroad tracks are bordered by residential uses up and down the line Existing dwellings from Takoma south through Brookland to Rhode Island Avenue are within 100 feet or less of the tracks and appear to thrive without the appearance of adverse impact from the train traffic The nearest proposed dwelling is roughly 140 feet from the rail right-of-way and a vast majority of the townhouses are much farther removed

IV. EXAMINATION OF BENEFITS PACKAGE

In addition to the issues raised at the set-down meeting regarding the appropriateness of conversion of the Site to residential use, comments were also offered both by the Commission and the Office of Planning regarding the Applicant's package of proposed Project amenities and public benefits The Applicant was requested to give its proposal further study and refinement

In response to these comments, the Applicant initiated further discussions with members of ANC 5A and interested neighbors regarding particular neighborhood projects and institutions within the immediate area of the Subject Property The Applicant has also met with the Office of Planning to discuss that office's priorities and suggestions As a result, the Applicant offers the

following updated summary of the Project amenities and public benefits consistent with the standards established in §2403 of the Zoning Regulations

A. *§2403.9(a) Urban Design, Architecture, Landscaping, Creation/Preservation of Open Spaces*

The Project has been carefully designed to follow neo-traditional design principles, including rear-loaded garages accessed through an alley system, the inclusion of two formal public greens to serve as focal points for the Project, an extensive and 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

Owing to the steep grades along the southern edge of the Subject Property, virtually all of the existing vegetation in that location will be preserved for slope stabilization purposes Retaining walls will be installed where appropriate in order to minimize impact on existing tree root systems 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 public pocket parks

B. *§2403.9(b) Site Planning, and Efficient and Economical Land Utilization*

The Project epitomizes efficient site utilization and planning. On a physical level, the Project makes very efficient use of its highly irregular shape and varied topography. The Project is also an efficient and economical use of land in that it will transform an underutilized industrial site into a significant generator of revenue for the District in the form of vastly increased property and income taxes payable by new residents Furthermore, the new residents will add significantly to the market demand for existing neighboring retail uses and amenities, further invigorating the neighborhood

As discussed in the Application, the Project also exemplifies 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 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

C. *§2403.9(c) Vehicular and Pedestrian Access, Transportation Management Measures, Connections to Public Transit Service*

The Subject Property is ideally located for residential development in that it is within easy walking distance of a Metrorail station and several Metrobus routes The Project also 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, consistent with the TOD model, the Applicant expects the Project's proximity to public transportation to serve as a major amenity to prospective purchasers

The Applicant's transportation management expert has prepared a Traffic Impact Study, which was submitted as Exhibit G to the Application, concluding that the Project will have an inconsequent impact on vehicular traffic The levels of services at study intersections are projected to remain unchanged as a result of the Project As will be demonstrated further at the

public hearing, the singular vehicular access to the Project along Emerson Street will not overburden that street or work any detriment to the Project's neighbors residing on Emerson Nonetheless, the Applicant is pursuing the possibility of providing a second access along Emerson Street, immediately to the west of the main access, and aligned with the private alley Moreover, the total trips projected for the Project is but a small fraction of those possible under matter of right commercial and industrial development of the Site.

Given the Site's proximity to the Fort Totten Metrorail station, and per the request of certain neighbors of the Project, the Applicant contacted the National Park Service's Superintendent of Rock Creek Park, who also serves as custodian of Fort Totten Park, with a proposal to improve the existing cut-through/social path across the park from 6th Street, NE, with hardscape and related improvements This improvement of the path arguably would make travel across the park and to the Metrorail station safer and more convenient for pedestrians While the Superintendent agreed to study the proposal, she has not given the Applicant any commitments as to her amenability to accept the offer, or a timetable for proceeding Therefore, the Applicant has determined to focus its energies on alternative direct benefits to the immediately surrounding neighborhood

D. §2403.9(f) Housing

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, the Project will add a total of 75 high-quality, sensitively-planned residential units in close proximity to public transportation The Project is especially important and appropriate given that the Site is located within the Fort Totten housing opportunity area As such, the Comprehensive Plan encourages, among others, the conversion of non-residential property into residential property

The Project is intended to supplement the housing stock in an area of the District that has historically been underserved Given the stated preference of the community for a Project density

consistent with the surrounding neighborhood, and further given the extraordinary site development costs, the Applicant has determined that it must proceed with the Project at market rate pricing

In the present case, the Commission is presented with a purely residential project. There is no commercial component. Likewise, no increased building density is being requested In fact, only a small 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 1,000,000 square feet could conceivably be developed on the Site consistent with its existing zoning, less than 180,000 square feet will be capable of development upon the PUD approval The Project proposes only slightly more residential square footage across the entire Site (175,244 sf) than is currently permitted as a matter of right in the R-2 portion of the Site alone (approx 173,376 sf) Given these constraints, the Applicant is unable to include in the Project a directed low/moderate-income housing component

E. §2403.9(h) Environmental Benefits, Stormwater Controls

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 In addition, the Project will attempt to utilize many best management practices, as established through the LEED ("Leadership in Energy and Environmental Design) standards program, as will be discussed at the public hearing

F. §2403.9(i) Uses of Special Value to the Neighborhood or the District of Columbia as a Whole

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

Given the Site's industrial past, the cleanup and mitigation of the debris of the abandoned concreted plant is integral to the residential development of the Site and serves as a significant community benefit, enhancing the larger neighborhood The Applicant already has spent in excess of $250,000 in this site cleanup endeavor, and now expects to spend a total of $750,000 to clean up the entire Site and prepare it for the proposed residential use, $250,000 more than the Applicant originally had budgeted Nor is the Applicant's site preparation work completed As expensive and exhaustive as this site work is, it serves as a major threshold that must be crossed in order to convert this Site to residential use

As an additional benefit to the community, the Applicant has contacted the Lamond-Riggs Branch Library and secured a list of highest priority needs, including funding to hire a computer instructor, funding for books, games, and cd/dvds, and other acquisitions and improvements The Lamond-Riggs Branch Library plays a central role in the community, including serving as a regular site for community meetings The Applicant proposes to donate $15,000 for the purposes enumerated above, which funds can be earmarked specifically for use at Lamond-Riggs Branch Library A draft of the acceptance letter is attached as Exhibit C to this Supplemental Statement

In addition to the contribution to the Lamond-Riggs Branch Library, and at the recommendation of certain members of the community, the Applicant has also initiated discussion and solicited information from the North Michigan Park Civic Association as to needed improvements to the North Michigan Park Community Center Per those discussions, the

Applicant proposes to donate $15,000 to the North Michigan Park Civic Association for such improvements as computers, furniture, a marquee, a public address system, or landscaping upgrades A draft of the acceptance letter is attached as Exhibit C to this Supplemental Statement

Finally, the Applicant proposes to donate an additional $12,000 to the North Michigan Park Civic Association, earmarked for the fabrication of a number of "Welcome to North Michigan Park" signs A draft of the acceptance letter is attached as Exhibit C to this Supplemental Statement

V. APPLICATION SATISFIES FILING REQUIREMENTS FOR CHAPTERS 24 AND 30

As provided through the Application materials and this Supplemental Statement, including the Certification included as Exhibit D, the Application satisfies the filing requirements established in §§ 2406 and 3013 of the Zoning Regulations.

VI. THE APPLICANT REQUESTS APPROVAL

For all the foregoing reasons, and as set forth in the Application materials, Rocky Gorge at Fort Totten, 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 schedule the PUD and Map Amendment application for public hearing at its earliest opportunity Furthermore, the

Applicant requests that the Commission determine at said public hearing that the Project is not inconsistent with the Comprehensive Plan, that the value of the benefits provided by the Project exceeds any development incentives requested, and that the Project has no adverse effects on the community, and thus approve the Application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: Whayne S Quin

Dennis R Hughes

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