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October 5, 2015

VIA IZIS AND HAND DELIVERY

District of Columbia Zoning Commission
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: Zoning Commission Case No. 15-04
Comstock Sixth Street, LLC – Totten Mews PUD

Members of the Zoning Commission:

At its September 21 public meeting, the Zoning Commission voted unanimously to take proposed action to approve the 40-unit townhouse planned unit development in Square 3788 (the “Totten Mews PUD”). In the course of its deliberation, the Commission requested that the Applicant undertake further analysis of any potential alternatives regarding circulation for the project to mitigate impacts of vehicle traffic generated by the Totten Mews PUD on the existing transportation network. The Commission also requested further clarification regarding certain of the financial contributions proposed as public benefits. The Applicant submits the information below and attached in response to the Commission’s requests.

1. Analysis of Traffic Impacts and Alternatives

From the outset of planning for the Totten Mews PUD, which began more than one year ago, the Applicant has considered and sought to minimize potential traffic impacts related to the project. To that end, the Applicant commissioned Gorove/Slade to undertake a comprehensive transportation assessment for the project in coordination with the D.C. Department of Transportation (“DDOT”). That assessment, which is included as Exhibit 24A of the hearing record, confirmed that the proposed project would have minimal impacts on the existing traffic network. Given the proximity of the project site to the Fort Totten Metrorail station and the District’s emphasis on transit-oriented development, the Applicant proposed the pedestrian and bicycle connection to allow residents of the Totten Mews PUD and other residents south of the site to more directly and conveniently access the Metrorail station and points north, further

reducing automobile traffic in the neighborhood in the process. As a result of the proposed connection, coupled with public space improvements the Applicant agreed to undertake north of the PUD site in coordination with DDOT, and given the comparatively very low-intensity use proposed for the site (as compared to the industrial and residential uses permitted under the existing zoning), it was determined by Gorove/Slade, and confirmed by DDOT, that vehicular traffic generated by the project will be negligible, with only 12 outbound/3 inbound morning peak hour trips and 11 inbound/5 outbound evening peak hour trips anticipated. Essentially, even at peak traffic, the project should generate only approximately one vehicle trip every four minutes.

Any proposed connection to the north of the PUD site was at first strongly opposed by residents of the Emerson Park PUD, and the Applicant undertook extensive outreach over a period of months to reach a compromise that would allow public access, by foot and bicycle only, across the private property owned by the Emerson Park Homeowners Association. More recently, the Applicant has learned that certain residents along 6th Street, NE, immediately south of the PUD site, and 7th Street, NE, immediately east of the site (the “Concerned Citizens of North Michigan Park” or “CCNMP”), prefer that a road be opened for vehicular traffic across the PUD Site and through land owned by the Capital Area Food Bank and by the Emerson Park Homeowners Association, respectively, in lieu of the proposed pedestrian/cycle connection. Given the location and configuration of the PUD site, there is no other realistic alternative for vehicular passage from the site, which in turn severely constrains the Applicant’s ability to provide alternative approaches to minimize vehicular impacts in the neighborhood as requested by the Commission.

In an effort to further explore alternatives, the Applicant met with representatives from CCNMP, the Emerson Park Homeowners Association, and ANC 5A08 Representative Angel Alston on Tuesday, September 27. At that meeting, the Applicant suggested as potential further mitigation that it could install removable bollards at either end of the pedestrian connection in order to allow emergency access to and from the north of the PUD site for FEMS vehicles (the Applicant has already confirmed with FEMS that that department has no operational concerns with the project as proposed (Exhibit 24D of the hearing record)). Further, given CCNMP’s concerns regarding the current levels of traffic within the neighborhood, the Applicant suggested that it could explore installation of traffic calming measures, particularly along 7th Street, NE. These proposals were not deemed satisfactory, with questions raised regarding the utility of removable bollards and CCNMP’s position that traffic calming measures can be undertaken directly by DDOT.

Aside from these suggestions from the Applicant, an idea was presented by a representative of CCNMP that some sort of limited access vehicular connection be provided in addition to pedestrians and bicycles. While no consensus was reached as to how such a limited access vehicular driveway would operate, and the Applicant continues to have serious concerns regarding the feasibility of such an approach, the Applicant continued to pursue the concept following the meeting. To that end, the Applicant attaches at Exhibit A a concept sketch for a limited access driveway. This sketch shows the proposed pedestrian/bicycle path slightly reconfigured at its southern entrance to allow for the location of swing-arm gates and vehicular access, along with a matching set of swing-arm gates at the northern entrance. These gates

would replace a number of the security bollards proposed at either end of the pedestrian connection. Lighting would still be provided, as would the security camera proposed by the Applicant. The gates would be fob- or code-activated, and vehicular access would only be granted to Totten Mews residents, which would allow Totten Mews residents to depart and enter the PUD site to/from the north through Emerson Park when convenient. Aside from these very few vehicular trips, the driveway would remain open and fully-accessible to the public for pedestrian and bicycle use.

The Applicant is concerned about the viability of such a limited access drive for a number of reasons but particularly as it required the agreement and consent of access by the Emerson Park Homeowners Association. Absent such agreement and consent, regardless of what efforts the Applicant might explore to provide limited vehicular access, it cannot control neighboring property in which it has no ownership interest. To that end, the Applicant presented the concept to the Emerson Park Homeowners Association through its President on October 2, and was advised that the Association strenuously opposes the concept. Please see attached letter from Jeffrey Dawson, President of the Emerson Park Homeowners Association Board of Directors (Exhibit B).

Given this opposition from the Emerson Park Homeowners Association and the necessity for support from that organization in order for any connection to be viable, the Applicant is left with no reasonable alternative to present to the Zoning Commission for consideration with regard to vehicular circulation. As a result, the Applicant requests that the Commission approve the application with the pedestrian and bicycle connection as currently proposed.

2. *Additional Information Regarding Community Benefits*

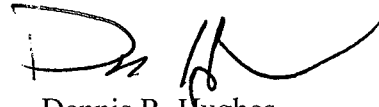
The Commission also requested additional details regarding certain aspects of the Applicant's proposed financial contributions toward items identified by the immediate community and ANC 5A. With regard to the North Michigan Park Civic Association, the Applicant is proposing to contribute a total of \$5,000 to that association with the understanding that the funds will be utilized as follows: \$1,000 per year for five years, with \$500 each year being earmarked for a scholarship for a student whose family resides within the boundaries of the association, and \$500 each year being utilized by the association to purchase school supplies to be given to school-aged children whose families reside within the boundaries of the association. Should the PUD be approved, the Applicant plans to provide the funding to the association prior to the start of the 2016-2017 academic year with the understanding that the first year of scholarships and supplies will be provided for that academic year.

With regard to the \$12,500 contribution identified for block grants chosen by a new organization known as the Friends of Totten Mews, the Applicant understands that ANC 5A will be submitting additional details regarding this benefit to the Zoning Commission on October 5. As with the contribution to the North Michigan Park Civic Association and the contribution to the Capital Area Food Bank, the Applicant understands that the funds will be fully utilized or

demonstrated to be in process of being utilized by the recipient organizations consistent with the terms of the PUD approval prior to certification of occupancy of the project.

We trust these materials are responsive to the direction of the Zoning Commission. We look forward to your favorable consideration of Final Action to approve the application on November 9.

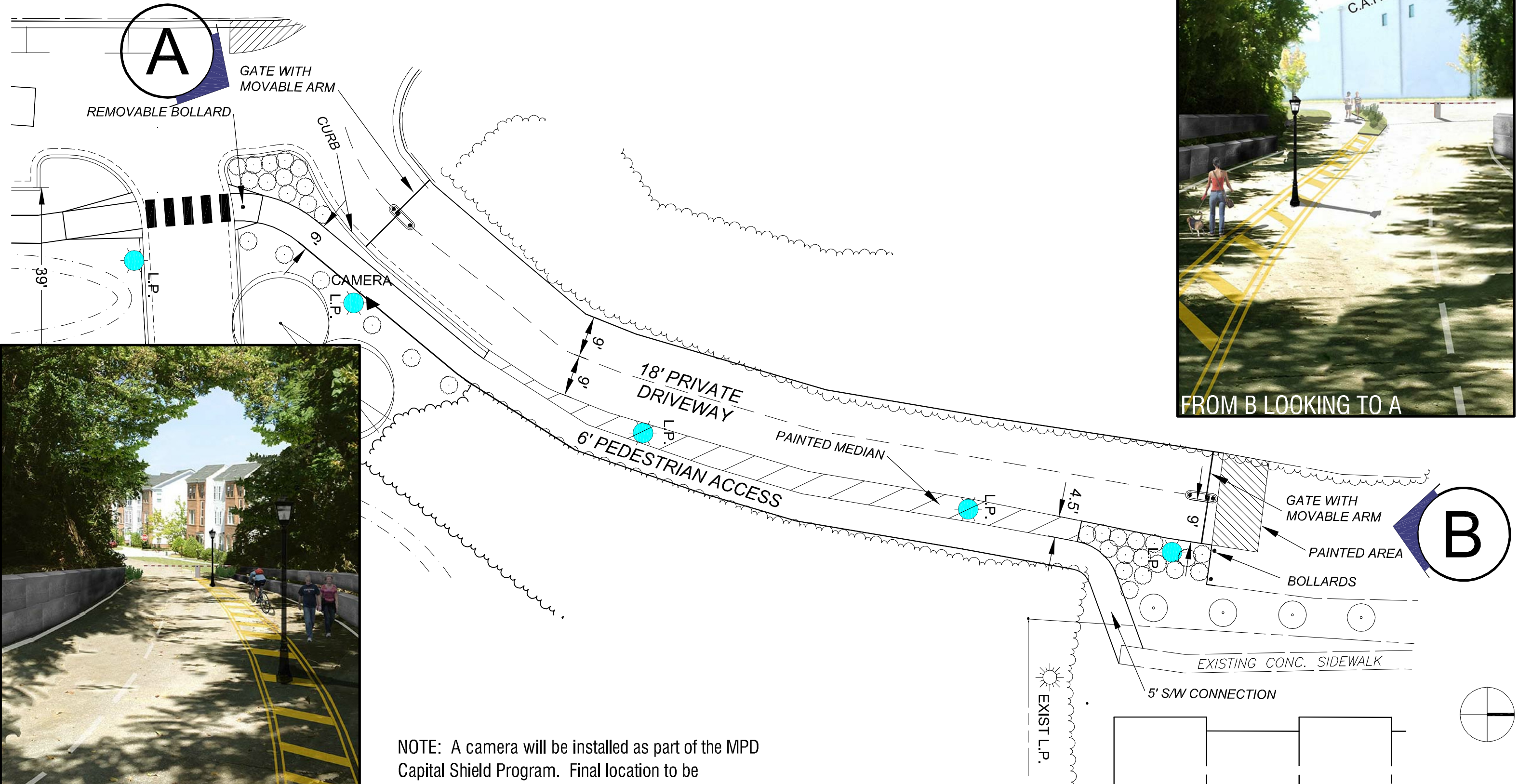
Sincerely,
HOLLAND & KNIGHT LLP



Dennis R. Hughes

Enclosures

cc: Ronnie Edwards, Chair Advisory Neighborhood Commission 5A (Electronic and Hand Delivery)
Angel Alston, Advisory Neighborhood Commissioner 5A08 (Via Electronic and Hand Delivery)
Belinda Bell (Via Electronic and Hand Delivery)
Karen Thomas, D.C. Office of Planning (Via Electronic and Hand Delivery)
Anna Chamberlin, D.C. Department of Transportation (Via Electronic and Hand Delivery)



FROM A LOOKING TO B



FROM B LOOKING TO A

NOTE: A camera will be installed as part of the MPD Capital Shield Program. Final location to be determined as part of the final lighting study.

TOTTEN MEWS

EXHIBIT: PUD 15-04

ALTERNATIVE LIMITED ACCESS
DRIVEWAY & WALKWAY

Emerson Park HOA, Inc.
627 Ava Circle NE
Washington, DC 20017

October 3, 2015

John Dapogny
Vice President, Land Development
Comstock Holding Companies, Inc.
1886 Metro Center Drive – Fourth Floor
Reston, VA 20190

Re: Comstock Homes "Totten Mews", PUD 15-04

John,

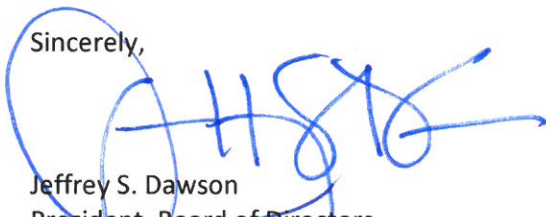
This letter is our formal response to your proposed limited access alternative that you are submitting to the DC Zoning Commission on October 5, 2015.

Emerson Park HOA, Inc.'s (and surrounding neighborhood) original position was to not allow any access through our private community. After many discussions with you and in turn with the membership of Emerson Park HOA, Inc. and residents of the surrounding neighborhood, we submitted to a compromise that would allow a pedestrian/bike trail that would meet our design standards and requirements.

You have just this week asked that we compromise further by dissolving the pedestrian/bike trail and installing two access gates at both ends of the long closed portion of 6th St. Your proposal would allow access to the members of Emerson Park and the future residents of "Totten Mews".

We summarily reject that plan as we hold fast to our position of no vehicular traffic through our private community. This position is supported by the more than 100 residents of Emerson Park HOA, Emerson St NE, 6th Place NE, and Faraday St NE who signed a petition in support of the original compromise of a bike/pedestrian trail.

Sincerely,



Jeffrey S. Dawson
President, Board of Directors
Emerson Park HOA, Inc.