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October 13, 2015

VIA IZIS AND HAND DELIVERY

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

Re: ZC No. 15-04
Comstock Sixth Street, LLC

Dear Members of the Commission:

Enclosed is the Applicant's revised table of public benefits and related conditions as required pursuant to 11 DCMR § 2403.20, responsive to comments received from the DC Office of Attorney General. Revisions are identified in red ink.

Sincerely,

HOLLAND & KNIGHT LLP



Dennis R. Hughes

CC: ANC 5A (via e-mail)
Jacob Ritting, Office of Attorney General (via e-mail)
Karen Thomas, Office of Planning(via e-mail)
Belinda Bell (via e-mail)

Zoning Commission Application No. 15-04
Comstock Sixth Street, LLC
Applicant's REVISED Table as Required Pursuant to 11 DCMR 2403.20

BENEFIT PROFFERED	PROPOSED CONDITION
1. The Project includes a fifth affordable unit, which will be reserved by covenant in perpetuity for households earning up to 80% of the Metropolitan Washington DC Area Median Income (AMI). The additional affordable unit represents a significant increase in affordability above and beyond the amount required by Chapter 26.	Condition No. B(1)(b) provides: <u>For the life of the Project</u>, the Applicant shall dedicate by covenant one dwelling to be set aside as affordable for eligible moderate income households earning up to 80% of the AMI.
2. The Project provides a host of environmental benefits consistent with the recommendations of 11 DCMR § 2403.9(h), including extensive preservation of the Property's existing slopes and vegetation; implementation of on-site stormwater runoff controls; soil composition that allows for the infiltration of trench to discharge storm water directly to the water table; the provision of 1.68 acres of pervious surface area; and water-conserving Energy Star fixtures, appliances, and lighting in each of the row dwellings. The Applicant also proposes to provide off-site stormwater control maintenance for the Emerson Park development for a period of two years.	REVISED Condition No. B(2) provides: (Revisions in BOLD or deletions) <u>Environmental Benefits.</u> <u>For the life of the Project</u>, the Applicant shall (i) preserve the Property's existing slopes and vegetation; (ii) provide a soil composition that allows for the infiltration of trench to discharge storm water directly to the water table; (iii) provide 1.68 acres of pervious surface area; and (iv) provide water-conserving Energy Star fixtures, appliances, and lighting in each of the row dwellings; and (v) provide on-site stormwater runoff controls generally as shown on Sheet C9 included at Exhibit 6A of the hearing record and Sheet C15 included at Exhibit 48A of the hearing record. <u>For the first two years after the issuance of a certificate of occupancy for the Project</u>, the Applicant shall provide storm water runoff controls and storm water control maintenance for the Emerson Park development to the north of the Property.
3. The Applicant incorporated a number of elements designed to promote effective and safe multi-modal access to and within the Property, convenient connections to public transit services, and on-site amenities. The Project includes an	Condition No. A(2) provides: In accordance with the Plans, the PUD shall be a residential development with 40 single family row dwellings, each containing a garage for one vehicle and accessed by a private road. Each dwelling shall

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Applicant's REVISED Table as Required Pursuant to 11 DCMR 2403.20

integrated one-car garage for each row dwelling, a driveway in front of each garage capable of accommodating a second vehicle, and 17 additional parking spaces dispersed on the Property for visitors and guests. In addition, the Pedestrian Path will provide a paved, landscaped, and lighted pedestrian and bicycle connection, including installation of a security camera, to points north of the Property, which will facilitate non-vehicular traffic and improve multi-modal access. Finally, the Applicant will construct off-site public space improvements in coordination with DDOT. The improvements will include four new crosswalks, seven new or modified curb ramps, and one missing sidewalk link, and will be located along Emerson Street, 6th Place, and Gallatin Street.	contain three bedrooms and approximately 2,205 to 2,282 square feet of gross floor area, including the garage. Additional surface parking for approximately 17 vehicles shall be provided throughout the Property. The Project density shall be 0.49 FAR; the lot occupancy shall be approximately 17%; and the maximum building height shall not exceed three stories or 40 feet. REVISED Condition No. A(3) provides: The Property shall be extensively landscaped and provide various outdoor amenities for residents, including a landscaped mews, seating areas, and a small playground. The Project shall also include a paved and lighted pedestrian and bicycle path across the northern portion of the Property, as shown on the Plans and as supplemented by Exhibits 24B and 48A.
4. Contribute \$35,000 to the University of the District of Columbia Foundation with a specific earmark to the renovations at the University's Backus campus on South Dakota Avenue, N.E. and to ensure that the community will have a total of 60 days over a two-year period for the use of space for community activities, meetings, and/or events, free of charge [to be confirmed by final letter from ANC 5A and/or UDC officials]	REVISED Condition No. B(4)(a) provides: <u>Prior to the issuance of a Certificate of Occupancy for the Project</u>, the Applicant shall contribute \$35,000 to the University of the District of Columbia Foundation, Inc. with a specific earmark for the renovation of the current gymnasium, multi-purpose room, and auditorium at the Bertie Backus campus on South Dakota Avenue, N.E., which shall also include provision by the University for use of space by ANC 5A and the community represented by ANC 5A08 within the Backus Campus for at least 60 occasions over a two-year period;

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5. Contribute \$12,500 to help establish the Friends of Totten Mews ("FTM"), which will consist of a board acceptable to the ANC Single Member District ("SMD") Commissioner 5A08. In establishing FTM, the SMD 5A08 commissioner, a resident of Totten Mews, a resident of Emerson Park, a resident of 6th Street, a resident of 6th Place, a resident of 7th Street, and a resident of Emerson Street will serve to issue block grants via grant application to the community. The grant money will be used to support educational projects, community athletic activities, training, community clean ups, beautifications, and events; [to be confirmed by final letter from ANC 5A officials] ;	Condition No. B(4)(b) provides: <u>Prior to the issuance of a Certificate of Occupancy for the Project</u>, the Applicant shall contribute \$12,500 to help establish the FTM, which will consist of a board acceptable to the ANC Single Member District Commissioner 5A08. In establishing FTM, the ANC 5A08 Commissioner, a resident of Totten Mews, a resident of Emerson Park, a resident of 6th Street, a resident of 6th Place, a resident of 7th Street, and a resident of Emerson Street will serve to issue block grants (via grant application) to the community, which will include support for educational projects, community athletic activities, training, community clean ups, beautifications, and events. {condition language to be confirmed following ANC 5A September 30 public meeting and confirmation with OAG that condition satisfies timing requirement of 11 DCMR 2403.6} A certificate of occupancy shall not be issued before the Applicant provides proof to the Zoning Administrator that the items or services funded have been or are in process of being provided;
6. Contribute \$5,000 to the North Michigan Park Civic Association, which will provide support over the next five years to their annual Scholarship Program and Back To School Supply Give-A-Way.	REVISED Condition No. B(4)(c) provides: <u>Prior to the issuance of a Certificate of Occupancy for the Project</u>, the Applicant shall contribute \$5,000 to the North Michigan Park Civic Association, which will provide immediate support and support over the following four years to their annual Scholarship Program and Back To School Supply Give-A-Way. A certificate of occupancy shall not be issued before the Applicant provides proof to the Zoning Administrator that the items or services funded have been or are in process of being provided;
7. Contribute \$10,000 to the Capital	

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Area Food Bank to service providers operating within Ward 5 and ANC 5A specifically	REVISED Condition No. B(4)(d) provides: <u>Prior to the issuance of a Certificate of Occupancy for the Project</u>, the Applicant shall contribute \$10,000 to the Capital Area Food Bank, which funds shall be utilized or in process of being utilized by issuance of CO, to service providers operating within Ward 5 and within ANC 5A specifically. A certificate of occupancy shall not be issued before the Applicant provides proof to the Zoning Administrator that the items or services funded have been or are in process of being provided;
8. Monitor for any vibration caused by construction activities for a period of 8 months and offer pre- and post-construction inspections for 10 houses adjacent to Property's southern boundary, as detailed in Applicant's Construction Management Agreement included in the record	REVISED Condition No. B(4)(e) provides: <u>Prior to the commencement of demolition activities for the Project</u>, the Applicant shall initiate 10 preconstruction inspections and establish a vibration monitoring plan consistent with terms of Construction Management Plan included at Exhibit 48C.