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October 20, 2015

VIA ELECTRONIC DELIVERY

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

Re: Application No. 15-04 Comstock Sixth Street, LLC
Opposition to CCNMP/Belinda Bell Request for Extension

Dear Members of the Zoning Commission:

The Zoning Commission took proposed action to approve Application No. 15-04 at its September 21, 2015, public meeting. At that time, the Commission requested the Applicant to explore any potential alternatives regarding circulation for the project to mitigate impacts of vehicular traffic generated by the proposed development on the existing transportation network. The Applicant agreed to undertake such further analysis and to provide a response to the Zoning Commission by October 5, with Advisory Neighborhood Commission 5A and the party opponent, Belinda Bell and Concerned Citizens for North Michigan Park (collectively, "CCNMP") to respond to the Applicant's submission by October 13. On October 13, CCNMP submitted a request for the Zoning Commission to provide CCNMP a further 60 days to submit a response. On October 14, the Applicant was advised by the Office of Zoning of the opportunity to respond to the CCNMP request. As set forth below, the Applicant opposes the time extension request proposed by CCNMP and requests that the Zoning Commission deny the extension request and take final action to approve Application No. 15-04 at its November 9, 2015, public meeting.

The Applicant has extensively studied the transportation and connectivity aspects of the Totten Mews PUD, including potential traffic impacts, over the course of 2015. These efforts are detailed in the hearing record including the Applicant's October 5 submission (Exhibit 54), and the impact on the community is noted as being "minimal" by DDOT and the applicant's transportation consultant. As noted therein, the Applicant did meet with representatives of CCNMP, the Emerson Park Homeowners Association ("EPHOA") and ANC 5A on September 27 to further discuss any potential alternatives to the circulation pattern proposed in the application. Contrary to the statements in the October 13 CCNMP letter to the Zoning Commission, the Applicant did in fact present proposed alternatives for consideration in efforts to minimize impacts, including placement of removable bollards at either end of the pedestrian

connection in order to allow additional FEMS access to the PUD site from the north, and offer to explore installation of traffic-calming measures along 7th Street, NE, immediately east of the PUD site. These proposals were not well-received by the audience.

While the Applicant believes that it has thoroughly studied all feasible alternatives regarding vehicular circulation for the PUD, as documented in its October 5 submission, the Applicant is nonetheless agreeable to meet further with CCNMP, EPHOA, and ANC 5A representatives to undertake any further consideration of reasonable alternatives as requested by CCNMP. The Applicant is scheduled to close on the purchase of the PUD site before the end of December. A lengthy extension as requested by CCNMP could impact this acquisition as well as create risks to financing and moving the PUD forward to construction. In order to meaningfully respond to CCNMP's request without jeopardizing important project benchmarks, the Applicant proposes that the interested groups undertake further discussion prior to the Zoning Commission's November 9 public meeting. To that end, the Applicant has requested a meeting with these representatives to be held on Wednesday October 21, 2015, or Thursday October 22, 2015. The Applicant requests that the Commission deny CCNMP's time extension request and grant the parties permission to provide any supplemental update on discussions as follows: the Applicant submit any update to the Zoning Commission regarding circulation alternatives resulting from the subsequent meeting among the Applicant, ANC 5A, CCNMP and EPHOA by **3:00 pm October 29, 2015**; any responses from ANC 5A and/or CCNMP to the Applicant's supplemental submission only, if any, by **3:00 pm November 5, 2015**.

Finally, the Applicant wishes to correct one additional statement in the CCNMP request, namely, regarding the position of ANC 5A regarding the proposed pedestrian/bicycle path. Please see ANC 5A report to the Zoning Commission in support of the application (Exhibit 39), wherein the ANC notes as follows:

While the Commission heard near unanimous support for the project as a whole, we recognize that a difference of opinion exists regarding one aspect of the project, namely the bike and walking path proposed to connect the site to the north. We heard strong positions both in support and opposition to opening the path to include vehicular traffic. We recognize that the current connection represents compromise that has been reached as far as most constituents are concerned, in the form of a connection that allows residents in the neighborhood to utilize the foot/bike connector to/from the Metro while minimizing problems/objections from the residents of Emerson Park.

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Thank you for the consideration of these materials.

Sincerely,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Dennis R. Hughes", is written over the printed name. The signature is stylized with a large, sweeping "D" and a long horizontal stroke extending to the right.

Dennis R. Hughes

cc: Advisory Neighborhood Commission 5A (electronic)
Belinda Bell on behalf of CCNMP (electronic)