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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

Dear Members of the Zoning Commission:

The Applicant is pleased to provide the Zoning Commission the following update regarding its continuing dialogue with the parties to this application, as was requested by the Commission. As part of its October 20, 2015 submission, the Applicant noted its opposition to the 60-day extension request of Belinda Bell and Concerned Citizens for North Michigan Park (collectively, "CCNMP") and indicated that it had requested an additional meeting (following the initial meeting on September 27) with CCNMP, as well as with representatives of the Emerson Park Homeowners Association ("EPHOA") and ANC 5A08 Commissioner Alston to undertake any further consideration of reasonable transportation alternatives as requested by CCNMP prior to the Zoning Commission's public meeting on November 9. Meetings were held on Wednesday, October 21, and on Monday, October 26, to discuss various ideas regarding resolution of transportation impacts in the neighborhood. The meetings were attended by representatives of both CCNMP and EPHOA as well as other interested residents, and the conversation was candid, respectful, focused and productive.

A significant portion of the October 21 meeting was spent discussing various perspectives regarding vehicular traffic being allowed or not being allowed across the EPHOA property. Many opinions were raised and debated, with the acknowledgement of two firmly held positions among the group, namely, some residents wanted a vehicular connection while others did not, and the two perspectives were not going to change or be reconciled.

Also discussed in the October 21 meeting was a proposal from the Applicant regarding an issue on which there appeared to be consensus, namely, that traffic and safety in the community are issues of shared concern. To that end, the Applicant proposed that it would commit to funding an additional community benefit, with a value up to \$15,000, to address shared concerns regarding traffic and safety. The Applicant further requested that the meeting attendees consider ideas to address such needs in their community. One example the Applicant suggested was the engagement of a transportation consultant, with fees paid by the Applicant and representing the

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immediately surrounding community, to conduct a traffic calming study for the areas bounded by 6th Street, South Dakota Avenue, Buchanan and Gallatin Streets, NE. This consultant would first meet with the community to identify consensus locations of concern and then conduct a study of present and anticipated traffic patterns in those areas upon completion of larger projects in the area such as Art Place and Fort Totten Square to the north and the Brookland/CUA neighborhood to the south. The consultant would present its findings to the community. Finally, the consultant, in conjunction with members of the community, would present its findings to DDOT on behalf of the community as part of a request for specific traffic calming measures be instituted by DDOT. The attendees agreed to reconvene on October 26 to further discuss this and other options.

At the October 26 meeting, further detailed discussion was had regarding the proposed traffic calming study. An alternative proposal presented by a resident also was discussed that pertained to safety and related impacts of another type of traffic being experienced by certain members of this community, namely commuter and freight train traffic running to the immediate west. To that end, the attendees discussed the merits and possible value of the Applicant arranging a baseline study to establish the amount of vibration experienced by residents located along 6th Street, NE, as a result of the various cargo and passenger trains utilizing the adjacent rail right of way. The Applicant researched this issue and presented its findings to the meeting attendees via email and received a number of positive responses from representatives of CCNMP and EPHOA.

As a result of its research, the Applicant determined that the traffic calming study with the scope proposed above can be undertaken at a cost of \$11,000, and a vibration study providing the following scope of work, can be undertaken at a cost of \$4,000:

- Two shifts of a staff person monitoring and recording the movement of trains past the study area (4700/4800 block of 6th Street, NE) and the placement of outside vibration monitors that would be removed at the end of those shifts, approximately 10:00pm.
- Vibration monitors that would be left for a week would need to be placed inside homes at both ends of the block and in the middle of the block, on concrete floors, whether that is first floor or a basement. The monitors would be collected a week later in coordination with the homeowners. Three homeowners would need to provide permission for the outside and inside monitors to be placed within their property.
- Consultant to compare the study findings to the Federal Transit Authority (FTA) standards for rail operations and provide that in a report for use by CCNMP, EPHOA, ANC 5A.

As a result of these extensive conversations and correspondence, the Applicant understands there has been consensus expressed for the Applicant to supplement its community benefits package with a financial commitment, not to exceed \$15,000, to be utilized to conduct a traffic calming study and a preliminary vibration study as described herein. To that end, the Applicant requests permission from the Zoning Commission to supplement its proposed community benefits to

include this additional commitment. Should the Commission accept the Applicant's request and take final action to approve the Application, the Applicant proposes the following addition to its proposed Findings of Fact and Conclusions of Law:

Finding of Fact No. 41:

Add 41(f) – “Engage a transportation consultant and vibration consultant, at a cost not to exceed \$15,000, to work directly with neighboring residents within SMD 5A08, to undertake a traffic calming study and vibration monitoring study, as detailed in Exhibit ____.”

Decision No. B(4):

Add B(4)(f) – “Prior to the issuance of a Certificate of Occupancy for the Project, the Applicant shall engage a transportation consultant and vibration consultant, at a cost not to exceed \$15,000, to work directly with neighboring residents within SMD 5A08, to undertake a traffic calming study and vibration monitoring study, as detailed in Exhibit _____. 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.”

After attending meetings of ANC 5A on September 30, October 14, and October 28, and meeting with representatives of CCNMP and EPHOA on September 27, October 21, and October 26, the Applicant believes that it has thoughtfully and comprehensively responded to the Zoning Commission's request to undertake further study of transportation alternatives and has arrived at an additional benefit that will provide this community with meaningful and persuasive data to assist it in addressing the larger transportation-related pressures at work in this neighborhood.

Thank you for the consideration of these additional materials in advance of your November 9 public meeting.

Sincerely,
HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Dennis Hughes", written over the printed name.

Dennis R. Hughes

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