

WRITTEN STATEMENT FOR INCLUSION IN RECORD OF PUBLIC HEARING SCHEDULED FOR JULY 30, 2015

RE: Z.C. Case No. 15-04 (Comstock Sixth Street, LLC – Consolidated PUD and Related Map Amendment @ Square 3788, Lot 814).

The construction site is the 182,600 square feet of land area that sits between the 4700 – 4800 block of SIXTH STREET NE and the 4900 block of 6th Street NE referred to herein as EMERSON PARK NE.¹ The only access to and from the land area is via SIXTH STREET, NE. SIXTH STREET, NE dead ends at the construction site. A gate separates EMERSON PARK (4900 block of 6th St NE) from the construction site.

I live in the 4800 Block of SIXTH STREET NE and I have a number of concerns about the project which, as far as I am aware, does not include a provision for removing the gate and opening 6th St NE (beginning with the 4900 block) to vehicular traffic.

My neighbor informed me on July 27, 2015 of an ANC meeting scheduled for July 27, 2015 at 6:45 pm. regarding the construction of new residential houses on SIXTH STREET NE. I attended the meeting attended by ANC COMMISSION members and members of the public. Prior to that telephone call, I did not know about any other scheduled ANC meetings in reference to the ZC CASE No. 15-04. One ANC Commissioner said that she sent email notices and posted notices of ANC meetings at a local convenience store. I did not receive any emails in reference to scheduled ANC meetings and I do not usually frequent convenience stores.

The notice from the Zoning Commission about the July 30, 2015 hearing is the only written notification I have received regarding the construction project and that notice is flawed. My house is located on SIXTH STREET NE; it is within the AREA OF INTEREST TO ANC5 and sits directly across the street from the Capital Area Food Bank.² SIXTH STREET is not mentioned in the AREA OF INTEREST described in the ZONING COMMISSION NOTICE OF PUBLIC HEARING for July 30, 2015. The notice, in describing the existing structures that are located within the boundaries of the different zones affected by the construction identifies the houses located on 6th Place NE and on 7th Street NE. The notice includes the Capital Area Food Bank within the boundary description but neglects to include within the boundary description the semi-detached houses located on SIXTH STREET NE. The houses are across the street from the Capital Area Food Bank. I live in one of those houses. The fact that I have the NOTICE of PUBLIC HEARING does not address the notice and process requirements that I as a resident living in the AREA OF INTEREST am entitled to.

In addition to a lack of proper notice I have concerns about the potential property damage and other problems that can result from the new residential construction.³ Structural property damage that may result from: 1) the weight and number of heavy trucks that will use 6th St NE to travel to and from the

¹ All references to the 4700 – 4800 block of 6th Street NE will be referred to as SIXTH STREET NE. EMERSON PARK refers to the 4900 block of 6th St NE.

² The AREA OF INTEREST refers to the structures located within the zones described in THE CASE OF INTEREST TO ANC5A.

³ I am an attorney and I am not representing anyone who lives on 6th Street NE, 6th Place NE, or on 7th Street, NE. This written statement reflects my concerns only.

construction site; 2) the trucks bearing heavy construction materials; 3) vibrations from the trucks traveling on 6th Street NE; 4) and property damage resulting from drilling and other construction activity on the construction site. In addition, there will be the added hazard and associated costs relating to rodents fleeing the construction site. In addition, the number of available parking spaces on SIXTH STREET has been reduced by the employees and visitors to the Capital Area Food Bank. During construction, parking on SIXTH STREET may become even more of an issue. Noise and air pollution are also my concerns.⁴ There may be more street congestion, noise, and air pollution resulting from the added vehicular traffic on SIXTH STREET pre and post construction.

The problems above noted are compounded by the fact that the residents in EMERSON PARK oppose allowing access to and from the construction site via their development. EMERSON PARK is a fairly new residential site with very limited public access. A gate blocks entrance to EMERSON PARK (via 4900 block of 6th St. NE) from the construction site and egress from EMERSON PARK to the construction site. The construction site can only be accessed to and from the 4700-4800 block of SIXTH STREET, NE. If EMERSON PARK is not open to the public all vehicular construction-related traffic will be restricted to SIXTH STREET. One COMMUNITY BENEFIT alluded to at the July 27, 2015 meeting will result in COMSTOCK making pre and post construction property inspections for damage caused by vibrations. It is not clear to me whether the COMMUNITY BENEFIT includes any funds that can be used for independent property inspections pre and post construction. No funds have been included in the COMMUNITY BENEFIT for covering the costs of structural or cosmetic repairs based on the COMSTOCK vibration inspections.⁵

I was informed after the meeting that DDOT performed a survey which concluded that vehicular traffic on 6th St NE would have very little impact on the project. If that survey is accurately described it does not address the issue of potential property damage caused by the construction.

A vote was taken among the members of the ANC to support the project. An ANC Commissioner made a motion to "open the street". However, the ANC Commissioners agreed that there first had to be a vote on whether to approve the project before a vote on the addendum. After a majority of the ANC Commissioners voted to accept the project, the ANC Chairman allowed a member of EMERSON PARK, who had not spoken at the 7/27/2015 meeting to voice his objection to the addendum.⁶ The motion to vote on the addendum to "open the street" was thereafter withdrawn by the ANC Commissioners and the meeting was adjourned.

The compromise position alluded to at the meeting to make EMERSON PARK accessible by pedestrian and bicycle traffic does not address the potential structural and other hazards that can result from restricting vehicular construction traffic to SIXTH STREET NE, only. In addition, there may be fire and

⁴ There was no discussion during the meeting about the time that the construction begin and end and the days that the work would be carried out.

⁵ \$35,000 has been included in the COMMUNITY BENEFIT for COMSTOCK to carry out the inspections.

⁶ Prior to the EMERSON PARK objection on July 27, 2015, others in the affected area, on July 27, 2015, voiced their objection to the street closure. Apparently among those who had attended prior meetings the issue to open or keep the street closed to vehicular traffic was highly contested.

emergency safety and evacuation issues relating to an area that is highly populated (after construction) where an avenue of egress (4900 block of 6th St NE) is closed to vehicular traffic.

In closing, it appears that the process of the Zoning Commission that allows residents in an affected area to be notified so they can voice and have their concerns fully addressed may have been circumvented either by inadvertence or design.

Written statement submitted on July 29, 2015 by:

/s/ Effie Forde

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SIXTH ST NE	I Construction	I	EMERSON PARK	Puerto Rico Avenue	4700-4800
			SIXTH STREET DWELLING	I Site	I SIXTH ST NE
